

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF NEW YORK

3 -----  
4 UNITED STATES OF AMERICA,

5 -versus-

08-CR-77

6 LINDA O'CONNOR and DEAN SACCO.  
7 -----

8 TRANSCRIPT OF JURY TRIAL

9 held in and for the United States District Court,  
10 Northern District of New York, at the Federal Building and  
11 Courthouse, 15 Henry Street, Binghamton, New York, on  
12 TUESDAY, May 13, 2008, before the HON. THOMAS J. McAVOY,  
13 Senior United States District Court Judge, PRESIDING.

14 APPEARANCES:

15 FOR THE GOVERNMENT:

16 UNITED STATES ATTORNEY'S OFFICE

17 BY: MIROSLAV LOVRIC, AUSA

18 Binghamton, New York

19 FOR THE DEFENDANT O'CONNOR:

20 FEDERAL PUBLIC DEFENDER'S OFFICE

21 BY: LISA PEEBLES, AFPD

22 Syracuse, New York

23 FOR THE DEFENDANT SACCO:

24 KELLY FISCHER, ESQ.

25 Binghamton, New York

1 THE COURT: Okay. With respect to  
2 Government's Exhibit 68, the Court is going to make the  
3 following ruling:

4 Tabbed matter 1, 2 and 3 is admissible in its  
5 entirety.

6 Tabbed matter 4 is excluded. 403. The  
7 prejudicial effect outweighs the probative value and it's  
8 cumulative.

9 Same ruling for number 5.

10 Number 6, the first 11 lines are out. The  
11 rest is in. Eleven. Same ruling. Cumulative.

12 7 is out. It's something that may shock  
13 somebody, but it has no meaning as far as this case is  
14 concerned. Cumulative, irrelevant, prejudicial effect  
15 outweighs the probative value.

16 8 is in.

17 Are you ready? It is the part where you start  
18 screaming, crawling in the bedroom.

19 MR. LOVRIC: Judge, if it's okay, I'll just  
20 repeat just so I'm telling the agent correctly. 1, 2, 3 tabs  
21 are admissible.

22 THE COURT: Right.

23 MR. LOVRIC: 4 is not.

24 THE COURT: Right.

25 MR. LOVRIC: 5 is not.

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1 THE COURT: Right.

2 MR. LOVRIC: 6, the first 11 lines are not,  
3 the rest is.

4 THE COURT: Right.

5 MR. LOVRIC: 7 is not.

6 THE COURT: Right.

7 MR. LOVRIC: And 8 is admissible. If I can  
8 just go through with the agent, make sure he understands.

9 Judge, just so I'm clear. I'm looking at tab  
10 6, and the Court put a penciled X. So everything up until  
11 that penciled X is out?

12 THE COURT: Correct.

13 MR. LOVRIC: Okay. And then the remainder of  
14 6 we can read.

15 THE COURT: Correct.

16 MR. LOVRIC: Okay. I just want to make sure  
17 that was the right...

18 (Jury present)

19 THE COURT: Morning, ladies and gentlemen.  
20 Can we get outside today at all? It's really nice out there.

21 All right. Mr. Lovric, you have Agent Lyons  
22 on the stand. You have some questions to ask him, do you?

23 MR. LOVRIC: Yes, thank you, Judge.  
24  
25

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1 DIRECT EXAMINATION CONTINUED

2 BY MR. LOVRIC:

3 Q Good morning, Agent Lyons.

4 A Good morning.

5 Q Yesterday when we broke for the day, we were  
6 discussing an Exhibit 68, and I'll just show it to you. Can  
7 you see that Exhibit 68?

8 A Yes, sir.

9 Q And again, what is that?

10 A That's the autobiography of Mr. Sacco.

11 Q I'm just going to put on the screen the cover with  
12 the exhibit. Is that the cover of the book?

13 A Yes, sir.

14 Q And Exhibit 68, did you have the opportunity to  
15 read that?

16 A Yes, I did.

17 Q I'd like to hand you Exhibit 68 and we'll just talk  
18 about a couple of portions, couple relevant portions of that  
19 book. Agent Lyons, in Exhibit 68 there are several tabs in  
20 that book, is that correct?

21 A Yes, sir.

22 Q Is it a fair statement that those tabs were not  
23 there when you received that book?

24 A That's correct.

25 Q In fact, who were those placed there by?

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1           A     I placed the tabs in the book.

2           Q     Agent Lyons, I'd first like you to turn to tab 1,  
3     and if you could read for the members of the jury what is  
4     contained in that book under tab 1.

5           A     Tab 1 is page 71. "A couple of weeks later I got  
6     up in the middle of the night and went into my little  
7     sister's room. While she slept I carefully pulled back her  
8     panties and examined, then touched her vagina. Choosing to  
9     sneak in on my little sister in the middle of the night,  
10    crawling in on her nor her friends and trying to touch them,  
11    continued into my mid teens. It was as if I was repeating  
12    the same unfinished act with Kim, stuck on a loop, an  
13    endless, repeating movie reel, striving to complete some  
14    initiation rite. One particular night Susan would never  
15    forget. Me waking her up attempting to fondle her. That was  
16    the night she got scared and cried, the night I had to sit up  
17    with her and get her to stop crying before I left her room  
18    and went back to bed. It was the time she would bring up in  
19    later years, the episode she'd scream at me about, and reveal  
20    to everyone else. She would never let me live it down, even  
21    after we talked about it as adults."

22          Q     Can you next turn to tab 2 in that autobiography  
23    book and read tab 2.

24          A     Yes, sir. Tab 2 is page 86. "Girls I liked  
25    avoided me during the 1973/74 sophomore school year at

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1 Leavenworth High. They remained aloof and obscure, suddenly  
2 further out of my reach than ever before. Erections  
3 straining against the fabric of my jeans, hard-ons with minds  
4 of their own didn't help either. Girls could spot the  
5 symptoms a mile away. The overeager nervous smile, red face  
6 flushed with anticipation, eye shifting to strategic points  
7 on their bodies. I didn't get laid once while at Leavenworth  
8 but molested a young freshman nicknamed Blondie in our  
9 housing area one night. It was raining like hell, storming,  
10 and we both approached each other going home. It was late.  
11 No one was out. I got her to stop, tried to get her to make  
12 out with me on the side of a duplex. She protested. I  
13 forced myself on her, grabbed her breast. No. She pulled my  
14 hand off. I grabbed her crotch, cupped her pubic mound real  
15 good. We fell into the mud. A struggle went on for 30  
16 minutes with her trying to break away and me grabbing  
17 strategic places of her body and kissing her. Then her mom  
18 called and I released her. She ran home soaking wet and all  
19 muddy. Neither one of us spoke about the incident."

20 Q Can you next read tab 3 in Mr. Sacco's book.

21 A Yes, sir. Tab 3 is page 88. "I began a routine of  
22 sneaking out of our house late at night and peeping into  
23 certain girls' windows around the housing area. And how  
24 exciting, to grab the 20-foot ladder from the side of the  
25 neighbor's house and prop it against Patty Doctor's bedroom

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1 window or her mother's. Come to think of it, her mother had  
2 a super nice body too. Patty looked great exercising and  
3 posing in her underwear in front of her mirror. In addition  
4 to becoming a peeping Tom, this is when I made my sister  
5 Susan upset by waking her up while trying to steal looks at  
6 her body or touch her as she slept. Even her pretty  
7 girlfriend Shelly who spent a week staying at our place did  
8 not escape my new perverted hobby. At 2 and 3 in the morning  
9 I'd sneak into their room and peel back Shelly's panties to  
10 have a nice exciting look and maybe an ever so gentle touch  
11 of her hairless vagina."

12 Q Can you next turn to tab 6 and read the appropriate  
13 portion in tab 6 of Mr. Sacco's book.

14 A Yes, sir. Tab 6 is page 158. "And he broke into  
15 the bedroom window of the young blonde girlfriend of his  
16 brother Steve's. Saw her inside on her bed sleeping in her  
17 nightshirt, and he knew how to pop the window screen and how  
18 to climb inside, and he knew how to slither into her bedroom  
19 like a snake, heart pounding, down the wall, eyes always  
20 fixed on the living, breathing form. And he got in and she  
21 kept sleeping, and he crawled alongside and reached to touch  
22 her and she woke up. She jumped up, recognized him, did not  
23 scream and wake her mother. He tried to kiss her, grabbed  
24 her by the shoulders and tried to put his tongue in her mouth  
25 and she bit it, yet his dick got hard, and she looked so sexy

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1 standing there with heaving breasts, and they struggled and  
2 she bit his tongue again and threatened to scream if he did  
3 not leave. And he left after trying once more to fondle her.  
4 He got into another home one late night and it was another  
5 blonde, a full-chested blonde he'd known from high school but  
6 hadn't seen since. And he popped the pins on her screen  
7 window and made it to her bedroom. She lay there sleeping on  
8 her bed, her cascading blonde hair inviting in the darkness,  
9 and he knelt beside her bed and touched her and she screamed.  
10 She screamed and rolled over and recognized him, pushed him  
11 into her closet while her mother came into the bedroom to  
12 investigate."

13 Now going to page 159. "I had a bad dream,  
14 Mom. That's all. I'll be all right. And then she threw him  
15 out after asking how he got into her home in the first place.  
16 The doors and windows were all locked. In girls' yards he  
17 ignored the fierce mosquitoes biting him and he never got  
18 tired of peeping and waiting, and waiting and peeping, and  
19 this risky extracurricular activity gave him sexual pleasure,  
20 and they fired him from his job at Hungry Bull Restaurant and  
21 the summer wore on."

22 Q In reading the book, Agent Lyons, does the author  
23 of that book use the word "he" in the third person at times?

24 A Yes, he does.

25 Q Based on the context of that book that you read, is



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1 there any indication when you read it as to who the "he"  
2 refers to?

3 A It's Mr. Sacco.

4 Q Can you then finally read for us tab 8 of that  
5 book.

6 A Yes, sir. Tab 8 is page 183. "In a triple X booth  
7 I switched back from a lesbian video to some Girl Scouts  
8 doing an old man and ejaculated all over the floor."

9 Q If I can take Exhibit 68 back, please.

10 MR. LOVRIC: Those are all the questions I  
11 have at this time, your Honor.

12 THE COURT: Okay. Mr. Fischer.

13 MR. FISCHER: Thank you, your Honor.

14 CROSS-EXAMINATION

15 BY MR. FISCHER:

16 Q May it please the Court, counsel. Mr. Lyons. I  
17 don't need to introduce myself, do I?

18 A No, sir.

19 Q The portions of the book that you just read, the  
20 book itself, when was it written?

21 A Really want me to answer that question?

22 Q Give me a time frame.

23 A It's when your client was in state prison.

24 Q When was that?

25 A It was prior to 2000, I believe.

1 Q So the book was written prior to 2000, am I  
2 correct?

3 A That's my best estimation. Yes, sir.

4 Q And the references, let's say in tab 1, the events  
5 that are described occurred 30 years ago at least?

6 A In tab 1.

7 Q Yes.

8 A Yes, when he was a young teen.

9 Q And that's true for the references at least in tabs  
10 2 and 3, that these events occurred in the early 1970s or  
11 earlier?

12 A Yes, sir.

13 Q At least 35 years ago, 30, 35 years ago?

14 A That's correct.

15 Q When did Mr. Sacco work at the Hungry Bull?

16 A I'm not sure.

17 Q That's information that you could have found out,  
18 am I correct?

19 A It's an autobiography. I took his statements in  
20 the book as fact.

21 Q That's not my question. That's information you  
22 could have found out, am I correct?

23 A It's not necessary.

24 Q That's not my question either. That's information  
25 that you could have found out, am I correct?

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1 A Sure I could have pursued that.

2 Q Thank you. How long have you been working on this  
3 case?

4 A Since January of 2008.

5 Q How many hours have you spent working on this case,  
6 if you can approximate?

7 A Couldn't say. Totally speculative.

8 Q A lot of time?

9 A Yes.

10 Q Through all of the investigative work that you've  
11 done -- Withdraw that.

12 You're not the only investigator involved in  
13 investigating this federal charge, am I correct?

14 A That's correct, sir.

15 Q How many other federal investigative employees have  
16 participated in investigating these charges?

17 A Had one FBI agent in Newark who assisted me. I had  
18 Kelley Molanare, who's a financial analyst in Syracuse also  
19 provided assistance, and also two agents in my office who  
20 helped to serve some subpoenas.

21 Q You originally got involved in this case  
22 approximately mid January of 2008?

23 A That's correct.

24 Q At that point were you working in conjunction with  
25 Mr. Lovric in the investigation and prosecution of this case?

1 A When I got involved, yes, I was.

2 Q Originally?

3 A Yes, sir.

4 Q Have you worked continually and closely with Mr.  
5 Lovric throughout the prosecution and investigation of this  
6 case?

7 A Yes.

8 Q As part of your work on this case, you prepared a  
9 criminal complaint, am I correct?

10 A Yes, sir.

11 Q And that criminal complaint is dated February 10 of  
12 2008, am I correct?

13 A Yes.

14 Q And in support of that criminal complaint you  
15 submitted an affidavit, am I correct?

16 A Yes, I did.

17 Q A sworn affidavit?

18 A Yes, sir.

19 Q And in that affidavit you outlined in part the  
20 investigative steps you had taken up to that point that you  
21 believe supported the criminal complaint, am I correct?

22 A Yes, sir. I pretty much used much of the  
23 information that the Norwich Police Department had already  
24 investigated.

25 Q And you relied on the tapes of the phone calls?

1 A Absolutely.

2 Q And the interview, the two interviews that were  
3 tape recorded with Elizabeth Chesebro and Shannon O'Connor?

4 A Yes, sir.

5 Q You relied upon then Detective Blenis' notes.

6 A I'm not sure I ever saw his notes.

7 Q Did you rely upon statements obtained by Detective  
8 Blenis?

9 A Yes, I did.

10 Q At the time in February, February 10 of 2008, you  
11 were aware of the allegations made by Shannon O'Connor  
12 concerning the events that she alleged occurred at the Best  
13 Western Hotel, am I correct?

14 A Yes, sir.

15 Q And you were aware that there had been an  
16 interview, at least one interview between Detective Blenis  
17 and Linda O'Connor, am I correct?

18 A Yes.

19 Q And at that point in February 10, 2008 you had  
20 undertaken an investigation of Mr. Sacco's background, am I  
21 correct?

22 A Yes, sir.

23 Q The indictment in this case, as I understand it,  
24 was handed down on February 15 of 2008, is that correct?

25 A On or about that date, yes, sir.

1 Q And you presented testimony to the grand jury that  
2 handed down that indictment?

3 A I did.

4 Q And you recounted all this investigative work that  
5 you had done?

6 A Yes, sir.

7 Q You were aware that the allegations that Shannon  
8 O'Connor made concerning photographs only came out first --  
9 photographs concerning Mr. Sacco only came out first on or  
10 about October 25 of 2007, is that true?

11 A Yes, sir.

12 Q And the interview, the first recorded interview  
13 with Shannon O'Connor was October 29 of 2007, is that right?

14 A I believe Pat Blenis interviewed her prior to that.

15 Q The taped, recorded interview was prior to  
16 October 29 of 2007?

17 A No, sir, but that's not what you asked me.

18 Q Okay. Are we in agreement that the taped, first  
19 videotaped interview of Shannon O'Connor concerning the  
20 claims made against Mr. Sacco about photographs, that that  
21 tape was done -- the interview that's shown in the tape was  
22 done on October 29, 2007?

23 A Yes, sir.

24 Q In February of 2008, when you drafted your  
25 affidavit in support of the criminal complaint, were you

1 aware at that time of Shannon O'Connor's psychiatric history?

2 A I was aware that she had attempted to commit  
3 suicide.

4 Q You had undertaken substantial investigation prior  
5 to February 10 of 2008 regarding this matter?

6 A That's incorrect. It was 30 days maybe or less.

7 Q So you had undertaken insubstantial investigation  
8 as of February 10, 2008, is that correct?

9 A Me personally. I conducted about 30 days' worth of  
10 investigation. The other agencies had conducted more than I  
11 had.

12 Q Did you ever, prior to February 10 of 2007, speak  
13 with Elizabeth Chesebro concerning Shannon O'Connor's  
14 background?

15 A I don't recall speaking to Miss Chesebro, sir, no.

16 Q You were aware at least from the videotaped record  
17 that Miss Chesebro was the CPS caseworker on this case, am I  
18 correct?

19 A Yes, sir.

20 Q You were aware she had substantial communications  
21 with Shannon O'Connor at least up until the time of the video  
22 interviews, am I correct?

23 A Yes, sir.

24 Q But prior to February 10 of 2008 you did not reach  
25 out to Elizabeth Chesebro to find out anything about Shannon

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1 O'Connor's background, am I correct?

2 A No. I knew she had attempted to commit suicide, as  
3 I said earlier.

4 Q Was that based upon you had -- a conversation you  
5 had with Miss Chesebro or a writing of some sort?

6 A My conversations with Investigator Blenis.

7 Q Okay. Prior to February 10 of 2008 did you ever  
8 reach out or did anybody employed by the federal government  
9 at your direction, to your knowledge, reach out to Elizabeth  
10 Chesebro to find out anything about Shannon O'Connor's  
11 psychiatric history?

12 A Everything I learned was from Pat Blenis, who was  
13 working closely with Miss Chesebro.

14 Q You didn't call Miss Chesebro, did you?

15 A No. I said I hadn't.

16 Q Did you look at any records that Miss Chesebro  
17 created regarding Shannon O'Connor's psychiatric history?

18 A What time period?

19 Q Prior to February 10 of 2008 when you prepared the  
20 affidavit in support of your criminal complaint?

21 A No, sir, I don't believe I did.

22 Q Other than speaking with Detective Blenis, did you  
23 undertake any investigation to inquire about Shannon  
24 O'Connor's psychiatric condition at any time prior to  
25 February 10 of 2008?



1           A     No. I knew she was troubled, like I said, based  
2 upon the fact that she attempted to commit suicide.

3           Q     But you didn't ask beyond that information to  
4 determine anything further about the nature of that trouble?

5           A     Said she was sexually abused by her mother and Mr.  
6 Sacco. I believe that's the nature of her trouble.

7           Q     My question is not what the nature of your belief  
8 is. My question is this: You didn't undertake any further  
9 investigation beyond receiving information from Detective  
10 Blenis to determine for yourself based on records created  
11 about what her psychiatric condition was; am I correct in  
12 saying that?

13          A     Yes. That's correct.

14          Q     Thank you. The criminal complaint that you created  
15 was confined to claims involving sexual abuse of Shannon  
16 O'Connor and pictures of Shannon O'Connor, am I correct?

17          A     In addition to the fact that she had attempted to  
18 commit suicide, that was in the complaint also.

19          Q     So those three things: she attempted to commit  
20 suicide; that she was the subject of pictures; and that she  
21 was the subject of sexual abuse, correct?

22          A     Yeah. I'd have to look at it, but it was a lengthy  
23 complaint. I wouldn't say it was just three items in there.

24          Q     Is that -- is my description of what's in that  
25 criminal complaint inconsistent with your recollection of

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1 what's in there?

2 A No, sir, but she had been raped by Mr. Sacco,  
3 sexually abused by her mother, photographs taken by both Miss  
4 O'Connor and Mr. Sacco.

5 Q Okay.

6 A Also the information regarding the Best Western.

7 Q Okay. As I recall your testimony from yesterday,  
8 you spoke about a letter that was written by Mr. Sacco  
9 wherein he talks about being offered some sort of a deal to  
10 get out in three to four years. Do you remember that?

11 A Yes, sir.

12 Q You know that he's facing charges by New York  
13 State, am I correct?

14 A Yes, sir.

15 Q You are aware of what those charges are, am I  
16 correct?

17 A I don't know the specific charge but I know the  
18 underlying reason for the charges.

19 Q You sat in that chair right there when Detective  
20 Blenis sat right in that chair right there and described all  
21 of the charges against Mr. Sacco, am I correct?

22 A Yeah. That's correct.

23 Q Are you aware that those charges carry with them  
24 maximum penalties?

25 A I don't know state law. I don't know the state law

1 maximums for those.

2 Q You are aware of the federal rules concerning  
3 penalties, am I correct?

4 A Yes, sir.

5 Q Gerardo DiFiori, you spoke with Gerardo DiFiori at  
6 some point?

7 A Yes, I did.

8 Q When did you first speak with him?

9 A I first spoke with him on Thursday evening.

10 Q Prior to that time, FBI agent Steve, and I've  
11 forgotten his last name, spoke with Mr. DiFiori on at least  
12 two occasions, am I correct?

13 A That's correct.

14 Q Do you know whether Agent Steve ever spoke with  
15 Mr. DiFiori about the maximum or minimum federal sentences on  
16 these charges?

17 A I wasn't present.

18 Q When you spoke with Mr. DiFiori, did you ever  
19 discuss the figure with Mr. DiFiori of 30 years?

20 A No, sir, I didn't.

21 Q Did he discuss it with you?

22 A Yes, he did.

23 Q That's the first time you've heard of that out of  
24 Mr. DiFiori's mouth, am I correct?

25 A Yes, sir. That was on Friday.

1           Q     Is it customary for an FBI agent investigating a  
2 claim of this nature to inquire of a potential witness  
3 whether or not the defendant made any statements?

4           A     Sure.

5           Q     Do you know whether those questions were posed to  
6 Mr. DiFiori when Agent Steve investigated this matter?

7           A     I don't know what questions were posed.

8           Q     Are there protocols within the FBI directives as to  
9 what procedures should be followed when you perform an  
10 investigation of a criminal case?

11          A     Some, yes, sir.

12          Q     Do you receive training about how you should go  
13 about inquiring or interrogating a witness when investigating  
14 a federal criminal charge?

15          A     Yes. We're taught how to interview witnesses.

16          Q     And is asking the witness whether there were any  
17 statements by the defendant, isn't that part of what you're  
18 trained to do?

19          A     Yes.

20          Q     You use computer technology in your work, don't  
21 you?

22          A     Yes, sir.

23          Q     You received training as to how to use computer  
24 technology?

25          A     Yes, sir.

1           Q     Now, yesterday you played some videotapes for the  
2 jury, correct?

3           A     Yes, sir. Mr. Lovric did.

4           Q     The US government, can you agree, is probably the  
5 most technologically advanced organization in the world?

6           A     Absolutely not.

7           Q     The videotape that was played concerning Mr. Sacco  
8 reading or speaking Italian, broke into that certain pictures  
9 of a young woman wearing a maroon-colored sweater. Do you  
10 recall that?

11          A     Yes, I do, sir.

12          Q     In those pictures, Mr. Sacco is not shown, is that  
13 correct?

14          A     Heard but not shown, that's correct.

15          Q     His voice is there, but he is not depicted in those  
16 pictures, correct?

17          A     That's correct.

18          Q     When did you first get these tapes?

19          A     I retrieved them from Mr. Sorvino on March 5 of  
20 2008.

21          Q     Now, the tapes that you got from Mr. Sorvino were  
22 about, you said, 30 hours of tapes?

23          A     I'm not sure if I put a specific number on it.

24          Q     Is that a fair approximation, approximately 30  
25 hours?

1           A     I'm not sure. I reviewed the tapes and I can't  
2     give you an exact figure.

3           Q     More than 20 and less than 40 hours?

4           A     It's possible.

5           Q     Now, who transcribed the 8-millimeter tapes from  
6     the tape to the CDs, or whatever you call those devices, that  
7     were played yesterday?

8           A     It was an individual at the Broome County computer  
9     analysis and technical unit. I think it's Larry Compton.  
10    I'm not certain on that.

11          Q     Who originally took possession of those tapes?

12          A     I did.

13          Q     What did you do with them after you took possession  
14    of them?

15          A     Brought them back to the office here in Binghamton.

16          Q     Who had access to those tapes while they were at  
17    your office?

18          A     Myself and other agents.

19          Q     What other agents?

20          A     Agent Bokal, Agent Talley, Agent Walters.

21          Q     Did anybody else have access to those tapes?

22          A     At some point the defense did and Mr. Lovric also.

23          Q     Where were those tapes kept?

24          A     In my office until I turned them over to the US  
25    Attorney's for you all to look at.

1           Q     When they were kept at your office, did anybody  
2 other than FBI agents have access to those tapes?

3           A     No, sir.

4           Q     Any other federal employees have access to those?

5           A     We have a translator who works in our office.  
6 She's in the office space. She would have access to -- and  
7 also there's a New York State Police investigator, Daniel  
8 Mastronardi. He also has access to our office space.

9           Q     As part of your investigation in this case, have  
10 you reviewed telephone records?

11          A     Not many.

12          Q     What telephone records have you reviewed?

13          A     Actually I think I've just reviewed a summary  
14 chart. Haven't actually seen a full set of telephone  
15 records. Investigator Berry was doing all the telephone  
16 analysis.

17          Q     As the lead FBI investigator in this criminal case,  
18 was it important for you to verify that what the complaining  
19 witness, Shannon O'Connor, said about dates when she had  
20 contact with Mr. Sacco was correct or incorrect?

21          A     Yes. We attempted to corroborate certain dates.

22          Q     Did you review the phone records to determine  
23 whether Mr. Sacco was in fact in Norwich on the dates when  
24 Miss O'Connor, Shannon O'Connor, said he was there?

25          A     I don't recall her giving specific dates. I recall

1 her giving time frames.

2 Q You don't remember her mentioning the day of her  
3 birthday?

4 A Yes, sir.

5 Q And you verified the date of her birthday, am I  
6 correct?

7 A I know the date of her birthday, yes.

8 Q December 27?

9 A That's -- that's correct.

10 Q Did you undertake an investigation with respect to  
11 the telephone records to substantiate whether Mr. Sacco was  
12 in Norwich on December 27, 2006?

13 A Investigator Berry obtained those phone records.

14 Q Were you able to conclude from those phone records  
15 anything about where Mr. Sacco was at any time on  
16 December 27, 2006?

17 A I haven't seen those. Investigator Berry did the  
18 analysis of those records.

19 Q So you personally didn't inquire to make sure that  
20 Mr. Sacco was or was not present when Shannon O'Connor said  
21 he was?

22 A I confirmed that he had been up there on many  
23 occasions.

24 Q You then -- I'll rephrase my question -- did not  
25 personally, as the lead FBI investigator in this case,



1 undertake to verify with this other gentleman that the phone  
2 records showed that Mr. Sacco was or was not present on  
3 December 27, 2006, am I correct?

4 A Phone records, no, I did not, sir.

5 Q You were present when the search warrant concerning  
6 storage unit 129 was executed, am I correct?

7 A Yes, I was.

8 Q And you saw the condition of the items inside that  
9 storage unit when it was first opened, am I correct?

10 A Yes, I did.

11 Q I'm going to show you what's in evidence as Exhibit  
12 19. That shows the items inside the storage unit, am I  
13 correct?

14 A Yes, sir.

15 Q Is that the condition they were in when the door  
16 was first opened up?

17 A Yes, it was.

18 Q So what's depicted in the next photograph in that  
19 pile, Exhibit Number 20, is not the condition in which those  
20 items were originally configured when the door was opened, am  
21 I correct?

22 A That's correct.

23 Q Who moved that stuff?

24 A Investigator Shultz was inside and did most of the  
25 searching with Investigator Berry.

1           Q     So between Exhibits 19 and Exhibit 20, things were  
2 removed from the storage shed and then put back into the  
3 storage shed, am I correct about that?

4           A     Yes, sir.

5           Q     So in Exhibit 19, you see in that photograph on the  
6 right-hand side of the storage shed what appears to me to be  
7 dresser drawers, do you see those?

8           A     Yes, I do.

9           Q     Were those dresser drawers out like that when you  
10 first opened up the door to storage unit 129?

11          A     Yes, they were.

12          Q     You found dressers in storage unit 129?

13          A     Yes, sir. Two dressers, actually. One black  
14 dresser where the condom was found was next to the  
15 refrigerator with the drawer still inserted.

16          Q     Generally when you find things on a search warrant,  
17 do you make a list of everything that you found?

18          A     Yes, sir. That we take. Not that we find but we  
19 take.

20          Q     The drawers, the dressers, etcetera, where did they  
21 go after the search warrant was over?

22          A     Back in the storage shed.

23          Q     Items that were found in that storage shed, I know  
24 Investigator Shultz from New York State Police also talked  
25 about this but I want to confirm it with you. There were no

1 fingerprints taken from any items that were retrieved from  
2 the storage unit, am I correct?

3 A That's correct.

4 Q And other than the condom that was found in that  
5 storage shed, there were no DNA tests taken with respect to  
6 any items that were in that storage shed, am I correct?

7 A Yes, sir.

8 Q Yesterday -- I'm done with those exhibits. You can  
9 set them down. Yesterday you were shown a piece of paper  
10 with white lines on it with Shannon O'Connor's name on it and  
11 some drawings, etcetera, do you remember that?

12 A Yes, I do.

13 Q I'm referring to Exhibit 62. I'll show that to  
14 you. Where did you find that document?

15 A Investigator Berry found this in the shed at 45  
16 Fair Street. That was the rear building that had the  
17 basketball backboard up on the building.

18 Q The shed was locked when you got there?

19 A I don't recall if it was.

20 Q That item, Exhibit 62, was not in the garages?

21 A No, sir.

22 Q It was actually in the shed?

23 A In the shed, yes, sir.

24 Q Did the shed door have to get opened up or was it  
25 open when you got there?

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1 A We had to open it.

2 Q You don't remember whether it was locked or not?

3 A I don't.

4 Q In the items retrieved from storage unit 129 there  
5 was this Sharp 8-millimeter camera, am I correct?

6 A Yes, sir.

7 Q That camera has a zoom function on it, am I  
8 correct?

9 A Yes, it does.

10 Q But when it zooms, the lens doesn't come out like  
11 an old style 35-millimeter camera, am I correct?

12 A That's correct.

13 Q Concerning the diaries from which you read  
14 yesterday, there were items contained in the diaries that you  
15 removed prior to their being introduced in evidence, am I  
16 correct?

17 A That diary, may have been a couple of photographs  
18 taped to the inside cover, I believe.

19 Q Of Mr. Sacco's mom smiling with her niece?

20 A Yes, sir.

21 Q In prosecuting this case, you never interviewed  
22 Shannon O'Connor, am I correct?

23 A That's correct.

24 Q And in investigating this case, you never found any  
25 pictures, any pornographic pictures of Shannon O'Connor, am I

1 correct?

2 A That's correct.

3 Q Now, you read from Mr. Sacco's diary yesterday  
4 about a storage unit on West Grand Ave.?

5 A Yes, sir.

6 Q In Elizabeth, New Jersey?

7 A It didn't say that in the journal, but yes, I  
8 believe that's where it's located.

9 Q At the time of those entries, Mr. Sacco was living  
10 at the YMCA in Elizabeth, New Jersey, is that fair to say?

11 A I'm not sure where he was residing at the time.

12 Q Well, you've reviewed the journal entries a number  
13 of times, haven't you?

14 A Yes, I have.

15 Q How many times have you reviewed those?

16 A I can't give you an exact number. It took me a  
17 while to read both journals.

18 Q You're familiar with the contents of those  
19 journals?

20 A Yes, I am.

21 Q Is it fair to say around the pages concerning that  
22 storage unit there are references to Mr. Sacco residing at  
23 the YMCA in Elizabeth?

24 A Yes, sir.

25 Q Now, West Grand Ave. in Elizabeth, New Jersey, did

1 you ever undertake to figure out where that is?

2 A Yes, sir.

3 Q Did you ever go to West Grand Ave. in Elizabeth,  
4 New Jersey as part of your investigation in this case?

5 A Another agent went there.

6 Q Who went there?

7 A Steven Grassi.

8 Q Did you ever undertake to determine whether there  
9 are any storage facilities, commercial storage facilities  
10 located in Elizabeth, New Jersey on West Grand Ave.?

11 A Yes, sir. Agent Grassi went to one.

12 Q What investigation did he undertake?

13 A Attempted to identify if Mr. Sacco had a storage  
14 unit there.

15 Q And he was unable to do that?

16 A No. He showed a photograph to the individuals  
17 there. One of the employees recognized Mr. Sacco, but there  
18 were no records of him having a unit at the place.

19 Q Do you know how far back that storage unit's  
20 records went?

21 A I don't know.

22 Q Was there any inquiry, to your knowledge, about  
23 producing those records and producing those records at all?

24 A Yes, sir. They were unable to produce records.

25 Q They were unable to produce any records?

1           A     That Mr. Sacco had a unit there.

2           Q     Is it your understanding that they, in fact, did  
3 have records concerning who rented storage units from them?

4           A     Yes, they did.

5           Q     Do you know how far back their records went?

6           A     I'm not sure.

7           Q     And who was this that did the investigation?

8           A     Steven Grassi.

9           Q     Steven Grassi is the same FBI agent who interviewed  
10 Gerardo DiFiori, is that correct?

11          A     That's correct.

12          Q     I think I mispronounced his name. Do you know  
13 whether there was any investigation undertaken -- withdraw  
14 that.

15                It was important to determine in this case whether  
16 you could find any pornographic photographs of Shannon  
17 O'Connor, is that fair to say?

18          A     Yes, sir. We were trying to locate those.

19          Q     Did you undertake a search of any other storage  
20 facilities in the Elizabeth, New Jersey or Jersey City area  
21 other than the one you mentioned just a moment ago?

22          A     We were unable to search any there because we  
23 couldn't find any in Mr. Sacco's name. We were unaware of if  
24 he had one in his name because the one in Norwich was in  
25 Mr. Lockwood's name. So no, the only storage unit we

1 searched was in Norwich.

2 Q To your knowledge did anybody investigating this  
3 case on behalf of the government of the United States of  
4 America undertake to contact any other storage facilities in  
5 the Elizabeth, New Jersey or Jersey City, New Jersey area to  
6 determine whether Mr. Sacco's name might appear?

7 A No, sir.

8 Q During the video that was played yesterday, there  
9 is a fellow named Eric at Glenwood. Do you remember that?

10 A Yes, I did.

11 Q Did anybody speak with him?

12 A Yes, sir.

13 Q Who spoke with him?

14 A I believe that was also Agent Grassi and possibly  
15 Mr. Santiago, who is a Jersey City police detective.

16 Q In the film that was played yesterday, there are a  
17 couple of men in a recording studio. Do you remember that?

18 A Yes, I do.

19 Q Did you interview those men?

20 A No, I did not.

21 Q Was there any effort undertaken to determine who  
22 those men were?

23 A No, sir.

24 Q You're aware that Shannon O'Connor has made the  
25 claim that one of the two men at the Best Western knew her as



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1 a child, am I correct?

2 MISS PEEBLES: Objection. That's not a fact.

3 THE COURT: Well, I don't know what's a fact  
4 and what's not. That comes from the witnesses, and I don't  
5 understand the basis for that objection. If you want to make  
6 a record, we'll go to side-bar.

7 MISS PEEBLES: I don't think so. That's fine,  
8 Judge.

9 Q Do you understand my question?

10 A No. Could you repeat it please so --

11 (Record read back)

12 A I became aware of something similar to that later  
13 on in the investigation.

14 Q What did the FBI do to investigate that further?

15 A The claim that somebody had known her?

16 Q Yes.

17 A We looked at the phone records from the hotel. We  
18 tried identifying if anybody was contacted from the phone  
19 records, from Miss O'Connor's records. There were cab  
20 companies. We actually disseminated Miss O'Connor's picture  
21 to a number of cab agencies to see if anybody would come  
22 forth with information regarding either Miss O'Connor and/or  
23 her daughter, and that's pretty much all we had to go on so  
24 that's what we did.

25 Q You never asked Shannon O'Connor about that?

1           A     I testified earlier, Mr. Fischer, I never spoke to  
2 Shannon O'Connor. Never interviewed her in this case. I was  
3 present I think three times when Mr. Lovric met with Miss --  
4 Miss Shannon O'Connor.

5           Q     Okay. When was that?

6           A     I don't remember the exact dates.

7           Q     Can you give approximate dates?

8           A     One was early on in the investigation. Mr. Lovric  
9 had her to the office just to introduce himself, explain to  
10 her the process, that she would have to come to court. He  
11 would ask her very specific questions about what she said  
12 happened to her. The next time I had met Miss O'Connor,  
13 Shannon, was at facility in Upstate New York where she was  
14 receiving treatment for a brief period of time. I brought  
15 the cowboy hat with me that you had seen before, which she  
16 identified as one she recalled Mr. Sacco wearing on one  
17 occasion when he raped her, and the last time was within the  
18 past month I believe just for Mr. Lovric to tell her that the  
19 trial was coming up and trial -- prepare her for trial.

20          Q     How long did those interviews of Shannon O'Connor  
21 last? Or I'll rephrase the question. How long did those  
22 meetings where you and Mr. Lovric and Shannon O'Connor were  
23 present, how long did those last?

24          A     It varied.

25          Q     Approximately how long did each of them last?

1           A     The first one, when we brought Miss Shannon  
2 O'Connor to the office, just had some pizza. Didn't discuss  
3 anything about the case other than to get her comfortable  
4 with Mr. Lovric. That one was maybe an hour and a half. The  
5 second time that she was -- that I saw Miss O'Connor, Shannon  
6 O'Connor, that one may have been two and a half hours. The  
7 last time may be two hours.

8           Q     On any of those occasions did any of the evidence  
9 that has been presented in this case by the government, any  
10 of the physical items, were any of those produced?

11          A     When I was present on the one occasion, I brought  
12 the hat, as I testified.

13          Q     Were any other items of physical evidence produced?

14          A     I'm aware that Mr. Lovric had met her on other  
15 occasions, and I believe he did show her some items or an  
16 item.

17          Q     How do you know that?

18          A     Mr. Lovric told me.

19          Q     The occasion when you participated in the meeting  
20 with Shannon O'Connor, was that the first, second or third  
21 occasion?

22          A     Which one was this?

23          Q     The meeting in which you were present.

24          A     For --

25          Q     Meetings with Miss O'Connor, Miss Shannon O'Connor,

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1 or were you present for all three?

2 A I'm not sure I understand what you're asking me,  
3 Mr. Fischer.

4 Q On the occasions when, to your knowledge, Mr.  
5 Lovric met with Shannon O'Connor, you were present on one,  
6 two or three of those occasions?

7 A Three occasions, I believe.

8 Q On any of those occasions did you make any notes?

9 A No, sir.

10 Q Were those interviews -- were those meetings  
11 recorded?

12 A I believe Miss Chesebro when she was present was  
13 taking notes or was writing reports.

14 Q Was there any audio or visual recording made of the  
15 conversations with Miss Shannon O'Connor?

16 A No, sir.

17 Q So you have no record that you made of what Shannon  
18 O'Connor said during those meetings?

19 A Not that I made, no.

20 Q Why not?

21 A Because Miss Chesebro was her guardian and she was  
22 present and documenting what was occurring.

23 Q But isn't it important for you as an FBI agent  
24 investigating this prosecution to have notes of your own to  
25 recall what occurred?

1           A     Not when Mr. Lovric's trial prepping a witness,  
2 absolutely not.

3           Q     So if the witness were to say something other than  
4 what in this case she said before, you wouldn't make a note  
5 of that?

6           A     No, sir.

7           Q     Why not?

8           A     I just explained that to you. When Mr. Lovric is  
9 trial prepping witnesses, I don't take notes. I take notes  
10 and write reports when I sit down and conduct an interview.

11          Q     Why don't you take notes during those interviews?

12          A     Because it's not an interview. It's not my  
13 interview.

14          Q     If you took notes, you'd have to produce them,  
15 wouldn't you?

16          A     If requested.

17          Q     When you were present during the conversations  
18 between Mr. Lovric and Shannon O'Connor, did you participate  
19 in those conversations at all?

20          A     Mr. Lovric asked the questions. I did speak with  
21 Miss Shannon O'Connor. Didn't ask her any details of the  
22 case. Mr. Lovric was asking all of the information regarding  
23 the case.

24          Q     What questions did you ask Miss Shannon O'Connor?

25          A     Asked her how she was doing, is she getting the

1 help she needs, how she's feeling.

2 Q Did you ask her any questions at all, any  
3 substantive questions about this matter?

4 A Not that I recall.

5 Q The exhibit that you have in front of you -- and I  
6 believe it's 62?

7 A Yes, sir.

8 Q Was there any discussion with Shannon O'Connor  
9 about that exhibit when you were present?

10 A No, sir. Not to my knowledge. Not that I can  
11 remember.

12 Q Do you remember whether there were ever any  
13 questions when you were present of Miss O'Connor concerning  
14 whether she had been in that shed?

15 A No, sir.

16 Q Was Miss O'Connor questioned -- when I say Miss  
17 O'Connor, I'm referring to Miss Shannon O'Connor. Was she  
18 ever questioned about whether she had accessed the upstairs  
19 apartment when Mr. Sacco was not present?

20 A Are you asking over the entire course of the  
21 investigation or are you still talking about when Mr.  
22 Lovric -- when I was present when Mr. Lovric was speaking  
23 with her?

24 Q I can rephrase the question. During the  
25 interviews, the three interviews where Mr. Lovric was present

1 with Miss Shannon O'Connor, was Miss Shannon O'Connor ever  
2 asked whether she ever accessed the upstairs apartment when  
3 Mr. Sacco was not present?

4 A Not that I can recall.

5 Q Was there ever any application to take Mr. Sacco's  
6 DNA by the government?

7 A Yes. We sent you a letter and asked if we could  
8 get his DNA and he refused.

9 Q You could take it if you wanted by application to  
10 the Court, am I correct?

11 A Yes, sir.

12 Q You didn't make that application?

13 A No. We asked you and he refused.

14 Q I understand it. But if you really wanted it, you  
15 still could have gotten it, right?

16 A It wasn't -- my understanding of the DNA, it  
17 wouldn't have been a positive match, so really for us  
18 investigatively, it wouldn't have been worth the application  
19 because it would not have shown a positive match on male DNA  
20 is my understanding.

21 Q You could have included or excluded, couldn't you  
22 have?

23 A Yeah. He could have volunteered.

24 Q That's not my question, sir. My question is this:  
25 Could you have -- the government could have --

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1 A Yes, we could have.

2 Q -- included or excluded, am I correct?

3 A No, sir. Not included or excluded on the DNA. Is  
4 that what you're asking me?

5 Q That's my question.

6 A Yeah. That's not correct.

7 Q Did you review Mr. Lovric's letter to me concerning  
8 that inquiry?

9 A I spoke to Mr. Lovric about the letter.

10 Q Okay. That's not my question. Did you review the  
11 letter --

12 A Did not see --

13 Q -- he wrote to me concerning that inquiry?

14 A No, sir. I did not see it to my knowledge.

15 Q So it's clear that beyond that request that there  
16 was no other effort taken by the United States government to  
17 obtain a DNA sample from Mr. Sacco, am I correct?

18 A That's correct.

19 MR. FISCHER: Your Honor, may I have just one  
20 moment, please?

21 THE COURT: Sure.

22 Q Mr. Lyons, you're aware that Shannon O'Connor  
23 was -- that she spoke about a scar on Mr. Sacco's stomach.  
24 Am I correct?

25 A I don't remember if that was -- I can't remember if



1 that was -- if it was Shannon O'Connor or Miss Monagan. I  
2 can't remember who told me that or -- I know I didn't hear  
3 Shannon say that but I think I heard Miss Monagan tell us  
4 about that.

5 Q You understand Shannon O'Connor went to the YMCA in  
6 Norwich when Mr. Sacco was present at the YMCA in Norwich, am  
7 I correct?

8 A Yes, sir.

9 Q You're aware on occasion they would swim at the  
10 YMCA in Norwich, is that correct?

11 A I was unaware of that.

12 Q Are you aware of any inquiry made of Shannon  
13 O'Connor concerning any other physically identifying  
14 characteristics about Mr. Sacco?

15 A Not that I recall.

16 Q If Miss O'Connor, Miss Shannon O'Connor was able to  
17 identify certain unique characteristics with respect to Mr.  
18 Sacco, that would be important information for you to have in  
19 your investigation, wouldn't it?

20 A I had the phone calls that I believed she did  
21 identify them.

22 Q I'll rephrase my question. If there are any  
23 unique, physical identifying characteristics about Mr. Sacco,  
24 it would be an important thing for the Federal Bureau of  
25 Investigation to know in prosecuting this case, am I correct?

1           A     No. It was clear to me from those recorded phone  
2     conversations that she had contact with Mr. Sacco in a sexual  
3     way.

4           Q     Now, those phone conversations as you're aware from  
5     Detective Sergeant Blenis' testimony were based in part upon  
6     typewritten scripts created by Mr. Blenis?

7           A     That's correct.

8           Q     With assistance from Miss Chesebro?

9           A     Yes, sir.

10          Q     So you relied exclusively upon those in determining  
11     whether to further undertake any investigation with respect  
12     to any physical characteristics of Mr. Sacco, am I correct?

13          A     Yes, sir. My ears did not lie to me.

14          Q     So I understand -- withdraw that. So based upon  
15     those phone calls alone then, you formed an opinion in this  
16     case, am I correct? I'm not asking for your opinion; I'm  
17     asking whether you formed an opinion.

18          A     Yes, I did.

19          Q     And you've proceeded in investigating this case in  
20     reliance upon those telephone conversations that you listened  
21     to, am I correct about that?

22          A     Not that exclusively, but yes.

23          Q     Primarily?

24          A     No, not primarily, but that was one factor in the  
25     investigation.

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1           Q     So based upon what you heard in those phone calls,  
2 you did not undertake any further inquiry and nobody at your  
3 direction, to your knowledge, undertook any further inquiry  
4 of Shannon O'Connor to determine whether she could explain or  
5 describe any unique physical characteristics about Mr. Sacco,  
6 am I correct?

7           A     Yes. Not to my knowledge.

8                     MR. FISCHER: Thank you, Judge. Thank you.

9                     THE COURT: Miss Peebles.

10 CROSS-EXAMINATION

11 BY MISS PEEBLES:

12           Q     Agent Lyons, Shannon O'Connor did not testify in  
13 front of the federal grand jury, is that correct?

14                     MR. LOVRIC: Objection.

15                     THE COURT: What's the basis for that  
16 objection?

17                     MR. LOVRIC: First of all, this agent is not  
18 present in the grand jury when any other witness testifies.  
19 Secondly, it's a violation of law for this agent to disclose  
20 anything other than his own testimony in the grand jury.

21                     THE COURT: Well, that's a proceeding in a  
22 grand jury. That doesn't go the to issue of -- does he know  
23 if somebody appeared?

24                     MR. LOVRIC: It's a violation of law.

25                     THE COURT: He can't reveal any of the --

1 except on cross-examination if it becomes a fact.

2 MR. LOVRIC: It's a violation of 6(e) for any  
3 person to disclose any matter in front of the grand jury  
4 other than their own testimony, Judge.

5 THE COURT: I don't think the question went to  
6 that. Overruled.

7 MR. LOVRIC: She's asking him who else  
8 testified in the grand jury.

9 MISS PEEBLES: That wasn't my question.

10 THE COURT: I didn't think it was.

11 A No, she did not.

12 MR. LOVRIC: I object to that answer.

13 BY MISS PEEBLES:

14 Q You did testify, though, in front of the grand  
15 jury, correct?

16 A Yes, ma'am.

17 Q And you read reports to the grand jurors throughout  
18 your testimony, is that correct?

19 A That's correct.

20 Q And you specifically read through the first  
21 statement that Shannon O'Connor gave, which has been marked  
22 as Defendant's Exhibit O-1, is that correct?

23 A Yes, ma'am.

24 Q And in that statement she talks about the fact that  
25 Dean told her not to make any noise because her mother might

1 hear, correct?

2 A Yes, ma'am.

3 Q And he said also at one point he became very  
4 nervous because a friend of Shannon's had come to the house  
5 and she heard her mother yelling for her, is that correct?

6 A Yes, ma'am.

7 Q And she also said in that first statement that she  
8 would ask her mother if she could go play games or cards with  
9 Dean, is that correct?

10 A I remember something about games. I don't remember  
11 the exact verbiage.

12 Q If I read to you the statement that's marked as  
13 Defendant's Exhibit O-1, would that help refresh your  
14 recollection?

15 A Yes, ma'am.

16 Q "Dean told me to ask my mom if I could come up and  
17 play cards. Mom said it was okay. I went upstairs." Does  
18 that refresh your recollection?

19 A Yes, ma'am.

20 Q Now that statement was read to the grand jurors  
21 first, correct?

22 A Yes, ma'am. I actually read from Mr. Blenis'  
23 report.

24 Q All right. And then you were asked a question by  
25 Mr. Lovric and that was specifically -- well, strike that.

1           During the time that Shannon O'Connor gave the  
2 statement, which was March 2 of 2007, she was actually in the  
3 custody of her foster home at that point, the Hamiltons, is  
4 that correct?

5           A     Yes, ma'am.

6           Q     Now you were asked a question after you read that  
7 first statement that she gave by Mr. Lovric in front of the  
8 grand jurors and the question was: "At some point after that  
9 interview with Shannon O'Connor, at some point after that  
10 interview was Shannon taken out of custody from Linda  
11 O'Connor and no longer with her mother Linda O'Connor?" And  
12 your answer was, "Yes, sir," is that correct?

13          A     Yes, ma'am.

14          Q     And then the next question is: "And then  
15 subsequent to that she was at some type of foster care  
16 facility or under the care of Child Protective Services, is  
17 that correct?" And your answer was, "That's correct." Do  
18 you remember that?

19          A     Yes, I do.

20          Q     And then the next question is: "And when this  
21 occurs, she's no longer living with her mother?" And you  
22 answered yes. And then the question is: "After -- in sum  
23 and substance can you indicate to the grand jurors what  
24 Shannon revealed once she was no longer in the custody and  
25 control of her mother, Linda O'Connor?" Then you go on to

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1 read the second statement that she gave from October of 2007,  
2 is that correct?

3 A Yes, ma'am.

4 Q Okay. But that was not accurate, was it?

5 A That she was in foster care first, you mean, with  
6 the first statement?

7 Q Your testimony to the grand jurors led the grand  
8 jury to believe that she was not in the care and custody and  
9 control of her mother in the second statement but she was in  
10 fact in the first statement, but that wasn't true, correct?

11 A Yeah. I must have misspoke in the grand jury.

12 Q Well, that was pretty critical because what Mr.  
13 Lovric was attempting to do through your testimony is  
14 explain --

15 MR. LOVRIC: Objection.

16 THE COURT: Let her finish, but it's going to  
17 be sustained. You better ask another question.

18 BY MISS PEEBLES:

19 Q The bottom line, Agent Lyons, is that Shannon  
20 O'Connor was never in the care, custody and control of her  
21 mother when this entire investigation started, isn't that  
22 true?

23 A That's correct. It was disclosed to Investigator  
24 Blenis in March. That's correct.

25 Q Correct. And she was in foster care starting

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1 February 27 of 2007?

2 A That's right.

3 Q Now, you were also asked a question concerning the  
4 Best Western. Do you remember that?

5 A I remember I was asked questions about the Best  
6 Western, yes, I do.

7 Q And you were specifically asked the question: "And  
8 in the course of investigation is it a fair statement, Agent  
9 Lyons, that investigators have recovered from the Best  
10 Western, the one near Oakdale Mall, receipts indicating  
11 Shannon -- excuse me -- that Linda O'Connor on five separate  
12 occasions had rented a room at the Best Western?" And your  
13 answer was, "Yes, sir." Correct?

14 A Yes, ma'am.

15 Q Now, that was all he asked you about receipts from  
16 the Best Western, correct?

17 A To my recollection, yes.

18 Q He didn't ask you about the dates or anything of  
19 that nature, did he?

20 A I don't recall if he did.

21 Q Would it refresh your recollection if I showed you  
22 your grand jury testimony?

23 A Yes, ma'am.

24 Q Agent Lyons, I'm going to hand you what's been  
25 marked as Defendant's Exhibit O-9 and ask you to take a



1 look -- near page 30 is the question about the Best Western.  
2 Did you have an opportunity to review the grand jury minutes?

3 A Yes, I did.

4 Q And do you recall whether or not there were any  
5 other questions about the Best Western and those registration  
6 receipts?

7 A Yes, ma'am. There were not.

8 Q Now, you sat through and you listened to the  
9 videotape interviews, and I'm quite sure -- is it fair to say  
10 you reviewed those before you came into court?

11 A The video clips?

12 Q Yes.

13 A Yes, ma'am.

14 Q And in the video clip and Shannon's statement on  
15 December 5 it's very clear that she indicates that her mother  
16 took her to the Best Western after they moved to Norwich on  
17 three separate occasions, is that true?

18 A I believe that's accurate, yes.

19 Q And in fact, she indicates that the first time they  
20 went, she just went shopping and stuff and went to Wal-Mart  
21 and they just hung out, is that true?

22 A Yes, ma'am.

23 Q In fact, we introduced the Wal-Mart receipt  
24 yesterday and that indicated a date of December 2, I believe,  
25 is that correct?

1           A     Yes. That's correct.

2           Q     Now, the registration receipts that were gathered  
3 from the Best Western hotel indicate that there was only one  
4 time that Mrs. O'Connor went to the Best Western with her  
5 daughter after they moved to Norwich and that was on  
6 December 1 of '06, is that correct?

7           A     Yes, ma'am. The receipts in the name of Linda  
8 O'Connor, the ones you're referring to.

9           Q     That's correct.

10          A     Yes, ma'am.

11          Q     The receipts you testified about in front of the  
12 grand jury on five separate occasions?

13          A     That's correct.

14          Q     Now, during her videotaped interview Shannon is  
15 very clear that she had sex with the landlord, and after she  
16 had sex with the landlord it was on two separate occasions  
17 right around her birthday that her mother took her to the  
18 Best Western, is that correct?

19          A     Yes, ma'am.

20          Q     Now, she also says when she's being interviewed  
21 that her mother used her own name, is that what she said?

22          A     Yes, she did.

23          Q     Never did she say that her mother used somebody  
24 else's name, is that correct?

25          A     Yes. On that interview, that's correct.

1           Q     Now she says -- she states that she remembers  
2     that -- when asked what day of the week you guys went down,  
3     she says she didn't go to school that week so it was during  
4     the school week. Do you recall her stating that when she was  
5     being interviewed?

6           A     Yes, I do.

7           Q     Now, we know December 1 of '06 was on a Friday,  
8     correct?

9           A     Yes, ma'am.

10          Q     And December 3 was on a Sunday, correct?

11          A     Yes.

12          Q     And they checked out on Sunday, correct?

13          A     Yes, ma'am.

14          Q     And they -- and they had arrived on Friday, fair?

15          A     Yes. That's what the records reflect.

16          Q     Now, she says the second time her mom took her to  
17     the Best Western, the next time they had gone up she had  
18     registered under her own name, and they're asking her when  
19     this happened during the course of the interview and she says  
20     it was right around her birthday. Do you recall that?

21          A     Yes, I do.

22          Q     And you already testified that her birthday's on  
23     December 27, correct?

24          A     Yes, ma'am.

25          Q     And she specifically asked did she use her own name

1 at the hotel again and she specifically says yes, correct?

2 A That's correct.

3 Q Now, what you found when you tried to corroborate  
4 what she said during that interview did not match up to what  
5 she said, is that fair to say?

6 A There was one stay in December of 2006.

7 Q My question was what she said in that interview  
8 didn't match up with what you were able to find at the Best  
9 Western, is that correct?

10 A That's correct.

11 Q Now, she also says during the course of her  
12 interview that they would -- that there were pictures of her  
13 in sexually explicit activity that was put on to George  
14 Lang's activity. Do you remember that?

15 A Yes, I do.

16 Q In fact, what she describes is a camera, that the  
17 pictures go directly from the camera to the computer. Do you  
18 recall that?

19 A Yes, I do.

20 Q Now, George Lang's computer was confiscated from  
21 his daughter's house, correct?

22 A Yes.

23 Q And there was extensive forensic evaluation that  
24 was done on that hard drive, correct?

25 A Yes.

1 Q There were no pictures of either Shannon O'Connor  
2 in sexually explicit activity, correct?

3 A That's correct. None were recovered.

4 Q There were photographs that were recovered?

5 A Yes, ma'am.

6 Q Am I correct?

7 A Yes, that's correct.

8 Q And there were no pictures of George Lang in any  
9 type of sexually explicit activity, is that correct?

10 A That's correct.

11 Q And there were no pictures of Linda O'Connor in any  
12 type of sexually explicit activity, is that correct?

13 A That's correct.

14 Q Now, I want to talk to you about Elizabeth  
15 Chesebro. You're the lead investigator in this case after  
16 January of '08, correct?

17 A Yes, ma'am.

18 Q You would read all materials pertinent or relative  
19 to this case?

20 A It's impossible to read all materials.

21 Q You would make an effort?

22 A I tried my best, but it's impossible to read all  
23 materials. I have to provide other investigators to read  
24 materials and provide me with results.

25 Q In order to follow up on leads or attempt to

1 corroborate, you to have knowledge about what's being said,  
2 correct?

3 A Yes, I do.

4 Q Now you know Elizabeth Chesebro had spoken to Mr.  
5 Lovric, correct?

6 A Yes, ma'am.

7 Q And you know he had all of her case notes, correct?

8 A Yes, I did.

9 Q And I suspect that the two of you would discuss the  
10 case, correct?

11 A Yes. That's correct.

12 Q And he would indicate to you what to do or what  
13 leads to follow up on, correct?

14 A Sometimes.

15 Q In fact, wasn't it Miss Chesebro who in her notes  
16 indicated that she had a suspicion that Shannon was having  
17 sex with the landlord in exchange for rent?

18 A I didn't see that note.

19 Q Did Mr. Lovric ever talk to you about that?

20 A No, ma'am.

21 Q Did you know what the extent of Miss Chesebro's  
22 relationship was with Shannon O'Connor when you took the case  
23 over in January of '08?

24 A Yes, I did.

25 Q And is it fair to say that they had a very close

1 relationship?

2 A Yes. That's fair.

3 Q And is it fair to say they spent numerous hours  
4 together, is that fair to say?

5 A I don't know how much time they spent together but  
6 I know they had a fairly close relationship.

7 Q They went shopping together?

8 A Yes. I believe they did.

9 Q They went to dinner together?

10 A I'm not sure about that.

11 Q You know they talked on the phone?

12 A Yeah. I'm sure they did.

13 Q You know they went out in car rides together?

14 A Yes.

15 Q Now, I want to discuss the search of 14 Miller  
16 Street, and that would be Mrs. O'Connor's home where she was  
17 residing at the time she was arrested, the charges that are  
18 contained in the indictment. Okay?

19 A Yes, ma'am.

20 Q Now, I assume you tried to go through all of her  
21 personal papers when you went through and searched her home,  
22 is that fair to say?

23 A I wasn't -- I wasn't present for the search.

24 Q Were the items that were found given to you after  
25 the search?

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1 A Yes, they were.

2 Q Were you ever provided with a Western Union money  
3 transfer in the amount of \$1,800 from Linda O'Connor to Dean  
4 Sacco?

5 A From the search?

6 Q Yes.

7 A I don't remember if I saw from the search or in a  
8 different document -- different documents, ma'am.

9 Q Did you ever see a Western Union wire transfer from  
10 Linda O'Connor to Dean Sacco?

11 A Yes, I have.

12 Q Agent Lyons, I'm going to hand you what's been  
13 marked as Defendant's Exhibit O-10 and ask if you can  
14 identify this document for me.

15 A Yes, ma'am.

16 Q And what is it?

17 A It's a Western Union money order of \$1,800 from  
18 Linda O'Connor to Dean Sacco. It says Deposit and August and  
19 September rent, 2006.

20 MISS PEEBLES: Your Honor, I'd like to offer  
21 this into evidence at this time.

22 THE COURT: Any objection?

23 MR. LOVRIC: No objection.

24 MR. FISCHER: No objection.

25 THE COURT: Receive Defendant's O-10 in



1 evidence.

2 Q Now, this receipt, as you just indicated, states  
3 it's \$1,800, it's for a deposit in August and September of  
4 2006 rent, is that correct?

5 A That's correct.

6 Q And the date on the wire transfer is July 24 of  
7 '06, is that correct?

8 A Yes, ma'am.

9 Q And the total, \$1,800, that would cover essentially  
10 three months' worth of rent if she's being charged \$600 a  
11 month, correct?

12 A It was a security deposit, I believe, and two  
13 months rent.

14 Q But 600 times 3 is 1800. That would be essentially  
15 what was wire transferred to Mr. Sacco, correct?

16 A Yes.

17 Q Now, Shannon O'Connor in her first disclosure -- I  
18 think in fact she's maintained throughout that she had sexual  
19 contact with Dean Sacco in August of 2006, correct?

20 A Yes, ma'am.

21 Q Now I would suspect that you also were able to  
22 obtain bank records pertaining to Mrs. O'Connor, is that  
23 correct?

24 A Yes, ma'am.

25 Q And you had an opportunity to review those bank

1 records, correct?

2 A Kelly Molanare, who is our financial analyst, she  
3 reviewed all the bank records.

4 Q You would want to know what information was in the  
5 bank records, I would suspect?

6 A Of course.

7 Q But you yourself didn't personally review any bank  
8 records?

9 A No, ma'am.

10 Q But were you told on November 1 there was a  
11 withdrawal of \$600 cash from Mrs. O'Connor's ATM?

12 A I don't recall that.

13 Q Agent Lyons, I'm going to hand you what's been  
14 marked as Defendant's Exhibit O-11 and ask if you've ever  
15 seen this document and if you can identify it.

16 A I don't believe I've ever seen this document.

17 Q Do you know what it is?

18 A I can read it. But I've never seen it.

19 Q What is it?

20 A It appears to be some kind of banking document.

21 Q For?

22 A For Linda O'Connor.

23 MISS PEEBLES: Your Honor, I'd like to offer  
24 Defendant's Exhibit O-11 into evidence.

25 MR. FISCHER: No objection.

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1 THE COURT: Receive Defendant's O-11 in  
2 evidence.

3 MR. LOVRIC: Judge, I don't object to it being  
4 offered at some point. This agent has no knowledge of this  
5 document.

6 THE COURT: I understand that he said he never  
7 saw it before. You didn't object, did you?

8 MR. LOVRIC: I was thinking. I wasn't yet  
9 standing up, Judge. I'm objecting that he doesn't have any  
10 knowledge of it. I don't know what he can say about it.

11 THE COURT: I don't know either, but you  
12 didn't object to it coming in evidence, did you?

13 MR. LOVRIC: Judge, I didn't stand up quick  
14 enough. I was looking kind of perplexed as to why it's being  
15 offered through somebody who hasn't seen it before. I  
16 object. He has nothing to say about it. He doesn't know  
17 what it is. He hasn't seen it before. If later the defense  
18 wants to put it in --

19 THE COURT: The Court received the exhibit in  
20 evidence. At the time there was no objection. If counsel  
21 wants to ask the witness about his knowledge about that  
22 exhibit, she can ask and you can object if there's a problem.

23 MR. LOVRIC: I withdraw my objection.

24 THE COURT: Okay.

25 MR. LOVRIC: I'm sorry I was late on the

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1 trigger.

2 THE COURT: Well, sometimes all of us are that  
3 way.

4 BY MISS PEEBLES:

5 Q So Agent Lyons, you didn't see the bank record that  
6 indicates a withdrawal of a total of \$600 on November 1,  
7 that's your testimony?

8 A Yes, ma'am. I don't recall seeing this document.

9 Q Now, December 1 is the registration at the Best  
10 Western that was obtained under Linda O'Connor's name,  
11 correct?

12 A Yes, ma'am.

13 Q Did you review bank records for December 1 for  
14 Linda O'Connor?

15 A I personally did not.

16 Q Did you speak to anybody that did review her  
17 records?

18 A I spoke to Kelly Molanare about bank records, yes,  
19 ma'am.

20 Q In December -- for December 1 specifically; that's  
21 what I'm asking.

22 A I spoke to her about a lot of dates. I'm not sure.  
23 I can't say specifically that date.

24 Q Well, you know that Linda O'Connor collects Social  
25 Security Disability, correct?

1           A     Yes, ma'am.

2           Q     And you know, based on your own knowledge and the  
3 fact that you've been the lead investigator in this case,  
4 that her deposits would go in the 1st of the month, is that  
5 fair to say?

6           A     I haven't seen the banking records reflecting that,  
7 but I would say it's fair to say.

8           Q     Well, her bank records would be an important part  
9 of this investigation, would they not?

10          A     Absolutely, and Kelly Molanare did all the analysis  
11 on those.

12          Q     You would not know this, you would not speak to  
13 that individual, since you're the lead investigator, would  
14 you?

15          A     I spoke to her.

16          Q     After Mrs. O'Connor departs from the Best Western  
17 and returns home and she's home on December 3, it's  
18 December 6 that you learn that Mr. Sacco starts making phone  
19 calls to the Department of Social Services because Miss  
20 O'Connor hadn't paid her rent, is that fair?

21          A     I don't remember the exact date, but I am aware he  
22 started making calls, yes, ma'am.

23          Q     Were you aware that Linda O'Connor received a check  
24 of over \$3,000 in September for reimbursement for being a  
25 victim of the flood? Were you aware of that?

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1 A Yes, I was.

2 Q Were you also aware that she received a check of a  
3 total of \$5,400 from FEMA as a result of being a flood  
4 victim? Were you aware of that?

5 A Yes, ma'am.

6 Q And were you aware that the flood money she  
7 recovered -- \$5,400 was the money she received on July 20 --  
8 was in fact what she used to pay \$1,800 to Mr. Sacco? Did  
9 you know that?

10 A No. I didn't know that.

11 Q Now, you did have knowledge of phone records --

12 A Yes.

13 Q -- as part of this investigation?

14 A Yes, I did.

15 Q And were you aware that Shannon O'Connor had been  
16 using her cellular phone to call Dean Sacco? Did you know  
17 that?

18 A I know she did have a cellular phone and I do  
19 believe there are calls on that phone to Dean Sacco, yes,  
20 ma'am.

21 Q And you were aware that Dean Sacco had actually  
22 called DSS a second time and threatened to evict both Linda  
23 and Shannon, is that fair to say?

24 A Yes, ma'am.

25 Q And then is it also fair to say that Linda O'Connor

1 was applying for HUD assistance during that time period, is  
2 that fair?

3 A In December to January?

4 Q Yes.

5 A Yes.

6 Q And as a result of what you found through your  
7 investigation, she in fact received a check in the amount of  
8 \$2070 from Delaware Opportunities, is that fair to say?

9 A In January of 2008?

10 Q 8, yes.

11 A January of 2008, yes, ma'am. 2070.

12 Q In fact, January, HUD began paying most -- a  
13 substantial portion of Mrs. O'Connor's rent, is that fair to  
14 say?

15 A That's correct.

16 Q Now, during Shannon's interview on December 5, she  
17 talks about her mother having sexual contact with Mr. Sacco.  
18 Do you remember her saying that?

19 A Yes, I do.

20 Q All right. Now, you sat through the course of  
21 yesterday's testimony and were here last week, and you read  
22 through some journals and you saw some videotapes. Do you  
23 remember all those?

24 A Yes.

25 Q And you saw the types of women that Mr. Sacco or

1 females that Mr. Sacco would talk about, correct?

2 A Spoke about many types of females.

3 Q Well, slim females, attractive females, is that  
4 fair?

5 A Prostitutes in his diaries.

6 Q Well, okay. Can you answer my question?

7 A Yeah, I believe he did; he spoke about many types  
8 of women.

9 Q He talked --

10 A I'm sure.

11 Q He talked about slim females, correct?

12 A Sometimes.

13 Q Young females?

14 A Sometimes.

15 Q Most of the time?

16 A Depends on where you're reading in the diary.

17 Q Was there anything that you read in the diary that  
18 would cut against what I'm asking you right now, anything  
19 that you read to this jury that would cut against what I'm  
20 asking you right now?

21 A I don't know what you're asking me right now.

22 Q The types of women and females that Mr. Sacco was  
23 describing in his videos, in his newspaper ads?

24 A Yes. He talked about prostitutes sometimes and  
25 didn't describe them.



1 Q Well, based on what you saw, based on what you saw  
2 is what I'm asking you.

3 A Based upon what I saw, Mr. Sacco talked about many  
4 women and children and he provided sometimes description of  
5 these women. Sometimes slim, sometimes he didn't provide  
6 descriptions.

7 Q When he was advertising for models in the newspaper  
8 add, didn't he specifically ask the women on the phone  
9 whether they were slim or whoever he was speaking to on the  
10 other end of the phone?

11 A Yes, he did.

12 Q In the first statement by Shannon O'Connor she  
13 never said anything about video camera, fair to say?

14 A That's correct.

15 Q In the second statement that she gives in October,  
16 October 29, she never says anything about a video camera in  
17 that statement either, correct?

18 A I don't believe she talked about a video camera.  
19 That's correct.

20 Q Now, December 5 she's interviewed again, correct?

21 A Yes.

22 Q And it's videotaped, and we saw that?

23 A Yes, ma'am.

24 Q And there was never mention about it being  
25 videotaped in that statement that she gave either, is that

1 correct?

2 A She talked about pictures, it was my recollection.

3 Q Photographs, correct?

4 A A photographic device, yes, she talked about.

5 Q A camera, correct?

6 A Yes.

7 Q In fact, you were here when Agent Shultz testified,  
8 and he specifically stated that Shannon O'Connor never  
9 identified a video camera. Do you remember that?

10 A Yes.

11 Q Now, is it fair to say that when Shannon O'Connor  
12 became aware that her case was going to be a federal case and  
13 her mother had been indicted that she was shocked? Were you  
14 aware of that?

15 A I suppose. I don't know how she reacted. I wasn't  
16 present when she was told.

17 Q And then when she was told, the prosecutor threw a  
18 pizza party for her here, is that correct?

19 A No, it wasn't a pizza party. What it was, we  
20 had --

21 MR. LOVRIC: Objection.

22 A -- Miss O'Connor, Shannon O'Connor come to the  
23 building so she could see the building and Mr. Lovric could  
24 explain to her the types of questions she would be asked in  
25 open courtroom about the conduct that she described her

1 mother did and Mr. Sacco did and the very specific questions  
2 that he'd be asking her.

3 Q Agent Lyons, didn't you testify earlier you had  
4 pizza for her and nothing was asked about the case? Isn't  
5 that what you said?

6 A Yes. We didn't ask her details about the case. We  
7 sat her down, and it was for her to get comfortable with Mr.  
8 Lovric and the process.

9 Q And Miss Chesebro brought her here for that pizza  
10 party?

11 A Again, I'd say it wasn't a party at all. She was  
12 brought here to be told what was expected of her in this  
13 process and to get comfortable with Mr. Lovric.

14 Q Did you ever speak to Renee Lang about George  
15 Lang's medical condition when you heard about the allegations  
16 that Shannon made about George Lang?

17 A I spoke to Renee Lang, yes, ma'am.

18 Q Did you ever review any of his medical records?

19 A No, I did not.

20 Q And again, Shannon O'Connor, when she's talking  
21 about George Lang, refers to her birthday again, is that fair  
22 to say?

23 A Could you repeat that, ma'am?

24 Q When Shannon O'Connor's discussing what she's  
25 claiming happened with George Lang, she again refers to her

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1 birthday, is that fair to say?

2 A I believe so, yeah.

3 Q So is it fair to say that every time Shannon is  
4 talking about something that happened, it all happens right  
5 around her birthday, is that fair?

6 MR. LOVRIC: Objection.

7 A No, because when she --

8 THE COURT: Sustained.

9 Q Agent Lyons, based on what you know about Mr.  
10 Sacco, what are the chances he would have a sexual  
11 relationship with Linda O'Connor?

12 A I think Mr. Sacco would have a sexual relationship  
13 with anybody.

14 MR. FISCHER: Objection.

15 THE COURT: Sustained. Stricken.

16 MISS PEEBLES: Nothing further. Thank you.

17 THE COURT: Mr. Lovric. I think we'll take a  
18 break, ladies and gentlemen. You look tired.

19 (Jury excused)

20 (Jury present)

21 THE COURT: Okay. Mr. Lovric.

22 REDIRECT EXAMINATION

23 BY MR. LOVRIC:

24 Q Morning, Agent Lyons.

25 A Good morning.

1           Q     Agent Lyons, I just want to go over a few things  
2     that were raised by Mr. Fischer and Miss Peebles.

3                 Let's lay to rest this pizza party that Miss  
4     Peebles brought up. Was there some kind of a pizza party  
5     that took place in this case or anything dealing with this  
6     case?

7           A     No, sir. What happened was, Miss Shannon O'Connor  
8     was brought to the building by Elizabeth Chesebro. She was  
9     brought here so that she could sit down, get comfortable with  
10    Mr. Lovric. Mr. Lovric in the very first meeting could  
11    explain to her the process that she would undergo, coming to  
12    the federal building, coming into the courtroom and speaking  
13    in front of complete strangers about some of the conduct that  
14    she stated happened. We wanted to describe and he did  
15    describe some of the process to her. And there was pizza.  
16    It was over lunch. Just to get her comfortable with the  
17    process that she would be undergoing.

18          Q     So the United States government bought Shannon  
19    pizza from Nirchi's for lunch?

20          A     I guess if you're the United States government,  
21    then yes.

22          Q     Somebody paid for it from the US government, is  
23    that right?

24          A     To my knowledge, yes.

25          Q     There weren't any party balloons or a big

1 celebration or anything of that sort, were there?

2 A No, sir. It wasn't a very happy occasion.

3 Q In fact, did Miss Shannon O'Connor during that  
4 meeting and some of the other meetings appear very, very  
5 scared and very concerned about --

6 MISS PEBBLES: Objection. Leading.

7 BY MR. LOVRIC:

8 Q Why don't you describe for us how scared Shannon  
9 O'Connor appeared when we interviewed her.

10 THE COURT: Sustained. You can answer that.  
11 The first question I rule was leading, but he rephrased it.

12 A She was very nervous. She was fearful. Very  
13 anxious, a lot of anxiety about what would be happening in  
14 the process, and it was -- she was emotional and it was  
15 difficult for her to speak at times. Not even the fact we  
16 didn't talk to her that first meeting, Mr. Lovric didn't ask  
17 her a single question about anything that happened, but just  
18 knowing that she would have to speak about it, she was very  
19 upset.

20 Q She wasn't yelling for joy or clapping --

21 MISS PEBBLES: Objection.

22 Q -- and happiness?

23 THE COURT: Sustained.

24 Q So this pizza party that Miss Peebles described,  
25 was it really a party?

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1           A     Absolutely not.

2           Q     Now, you were asked by Miss Peebles at some point  
3 about the HUD portion of rent for Miss O'Connor.  
4 Approximately when was it that she first began to get any  
5 kind of HUD assistance for rent?

6           A     I don't know the specific date, but it was in  
7 January, January of 2007. Late January, I believe, 2007.

8           Q     Okay. And then prior to that, who was responsible  
9 for paying all of the rent at 45 Fair Street?

10          A     Mrs. O'Connor.

11          Q     And Miss Peebles asked you quite a few questions  
12 about whether you were aware of Linda O'Connor's financial  
13 status and monies that she received, and if you recall, she  
14 showed you some bank records. Do you remember those  
15 questions that you were asked by counsel?

16          A     Yes, I do.

17          Q     And my question to you is, Agent Lyons: In  
18 everything that you've reviewed with respect to Miss  
19 O'Connor's financial situation, the records and everything  
20 else that you looked at about her, did you come to some  
21 conclusion as to her ability to keep or maintain money or  
22 have money for paying of things that needed to be paid on a  
23 monthly basis?

24                       MISS PEEBLES: Objection.

25                       THE COURT: Sustained.

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1 Q Did you look at her bank records?

2 A I did not personally analyze her bank records. I  
3 saw some records. All of the bank records were sent to Kelly  
4 Molanare, who is the financial analyst in this case, as were  
5 the phone records. It was Rich Berry who did the analysis.  
6 I saw some but did not analyze them.

7 Q Did Kelly Molanare, in the course of looking  
8 through these materials, advise you as to Miss O'Connor's  
9 financial situation or stability?

10 A Yes, sir.

11 Q And what was it that you found in her financial  
12 paperwork?

13 MISS PEEBLES: Objection.

14 THE COURT: Sustained.

15 MR. LOVRIC: Judge, it's directly asked by  
16 counsel. She asked the agent, and I'm going into an area --  
17 she asked it.

18 THE COURT: I heard the question, Mr. Lovric.  
19 I sustained the objection.

20 Q In your investigation, Agent Lyons, did you find  
21 whether or not Miss O'Connor had cash on hand?

22 MISS PEEBLES: Objection.

23 THE COURT: That's a different question.

24 MISS PEEBLES: No foundation.

25 THE COURT: No, I'll overrule that. Does he



1 know whether or not she had cash on hand; yes, no, maybe.

2 A I really can't answer that question because Kelly  
3 Molanare would be the one to answer that. I'm aware of some  
4 things, but I really can't answer it with any degree of  
5 certainty.

6 Q Miss Peebles asked you about the Lang computer. Do  
7 you remember those questions?

8 A Yes, sir.

9 Q She went into some detail about what was not found  
10 on the Lang computer?

11 A Yes.

12 Q Are you aware of a forensic analysis done on the  
13 Lang computer?

14 A Yes, I am.

15 Q Are you aware of whether or not the forensic  
16 analysis revealed that things were there and had been  
17 deleted?

18 A I'm aware that, yes, images were on the computer.  
19 The images that were recovered, there were some that were  
20 pornographic pictures and that other analysis revealed that  
21 images, digital images had been on that computer.

22 Q But had been deleted before police authorities got  
23 the computer?

24 A I don't recall that specifically. I did speak to  
25 the examiner, but I can't say for certain.

1 Q At some point Mr. Fischer asked you about -- spoke  
2 to you about DNA of Mr. Sacco. Do you recall that --

3 A Yes, I do.

4 Q -- line of questions? Are you aware that Mr. Sacco  
5 was asked to provide a DNA sample?

6 A Yes, I am.

7 Q How did you become aware of that?

8 A I learned that you had sent him a letter, asked if  
9 he would be willing to volunteer his DNA, and if he failed to  
10 reply, it would be interpreted that he did not. He refused.

11 Q And did Mr. Sacco ever provide a DNA sample?

12 A He did not.

13 MR. LOVRIC: Your Honor, I've marked as  
14 Government's Exhibit Number 103, which is a  
15 self-authenticating document filed with this Court dated  
16 April 17, 2008 from the US Attorney's Office to the  
17 defendant, Mr. Sacco, through his lawyer. I would offer  
18 Exhibit Number 103 into evidence.

19 MR. FISCHER: I have an objection to it.

20 THE COURT: Do you want to place it on the  
21 record?

22 MR. FISCHER: Please.

23 (At the Bench)

24 THE COURT: Yes, sir.

25 MR. FISCHER: The witness has spoken about the

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1 letter, Judge. My understanding of his direct -- I'm  
2 sorry -- his cross-examination was he has not seen the  
3 letter, did not know its contents. Discussed it with Mr.  
4 Lovric but never saw the letter. Only information that this  
5 witness has was based upon information from Mr. Lovric. Mr.  
6 Lovric wants to testify, we can talk to him about this  
7 letter. But based on what this witness has said, this is  
8 bootstrapping in the worst degree and is just -- can't be  
9 used for the purpose it's being offered for.

10 THE COURT: Okay. Well, I'm not sure I agree  
11 with everything you said, but I do agree that this letter is  
12 inadmissible and I'll sustain the objection. It's hearsay.  
13 It's a product of the attorney that's trying the case for the  
14 government. There may be ethical concerns about this. So  
15 it's not coming in.

16 MR. LOVRIC: All right.

17 (In Open Court)

18 Q Agent Lyons, on cross you indicated to Mr. Fischer  
19 that -- what was the result of the DNA request made to Mr.  
20 Sacco?

21 A There was no reply.

22 Q Now you were asked on cross about the men in that  
23 exhibit, Exhibit 69, I believe, the men with Mr. Sacco in the  
24 videotape where he was describing why he bought that video  
25 camera. Did you have any knowledge or any idea who those men

1 are or were?

2 A No, sir.

3 Q So Mr. Fischer asked you if you took any steps to  
4 find them. Did you have any idea where to look or who those  
5 persons might be?

6 A Not that I recall from the video.

7 Q And then Mr. Fischer asked you some questions about  
8 the storage unit that the FBI in New Jersey went to. Do you  
9 recall that line of questions?

10 A Yes, sir.

11 Q I take it that that storage unit, like any other  
12 storage unit, it all depends on the name of the person in  
13 order to be able to find the specific unit, of whether or not  
14 there is one?

15 A Yes, sir.

16 Q And you indicated that a photograph was shown of  
17 Mr. Sacco?

18 A Yes.

19 Q And what again was the result of that photograph  
20 being shown?

21 A An employee identified Mr. Sacco as having been to  
22 that storage place, but they were unable to provide any  
23 records that Mr. Sacco had a storage unit at that location.

24 Q Okay. So if I understand your testimony correctly,  
25 the employee recognized the photograph of Mr. Sacco having

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1 come to that storage center, but when they looked under his  
2 name, they could not find it under his name?

3 A That's correct.

4 Q Okay.

5 MR. LOVRIC: That's all the questions I have,  
6 Judge.

7 THE COURT: Okay. Mr. Fischer.

8 MR. FISCHER: Thank you, your Honor.

9 RECROSS-EXAMINATION

10 BY MR. FISCHER:

11 Q Mr. Lyons, a storage unit in New Jersey would be an  
12 important thing for you to investigate if you could, am I  
13 correct?

14 A If I had enough information to lead me to a  
15 specific location, yes, sir.

16 Q Because if there were pictures of Shannon O'Connor  
17 engaged in illegal sexual activities, that would be pretty  
18 important to this case, right?

19 A Yes.

20 Q In fact, if you found those in a locker in New  
21 Jersey that you could trace to Mr. Sacco, that would be  
22 pretty much the end of this ballgame, wouldn't it?

23 A Be it for Mr. Sacco.

24 Q It would go a long way toward resolving this  
25 matter, wouldn't it?

1 A I believe it would, yes.

2 Q Do you believe it would be important?

3 A Important to what, find those?

4 Q Would it be important for you in this case to find  
5 it if it was there?

6 A Yes.

7 Q Very important?

8 A Yes, sir.

9 Q You have the wherewithal to go back to Mr. Sacco's  
10 financial records, am I correct?

11 A Yes. Miss Molanare did that.

12 Q How would you go about doing that?

13 A The actual satchel or folder that Mr. Sorvino  
14 provided me when I was in New Jersey had many documents in  
15 there of Mr. Sacco, which had some banking information on  
16 there. Some account information and subpoenas were sent out  
17 to those financial institutions to obtain his records.

18 Q Did you or anybody else at the FBI go through those  
19 records to figure out whether there was payments to a storage  
20 place in New Jersey?

21 A Yes, I believe they did.

22 Q What did they find?

23 A We didn't find any.

24 Q Did you find some bank records though that showed  
25 there were payments with respect to the storage unit number

1 129 in Norwich?

2 A Yes, sir.

3 Q Did you speak with Mr. Lovric over the break we  
4 just took?

5 A Yes, I did.

6 Q Do I understand your testimony correctly that you  
7 did not review every document that the government has  
8 obtained concerning this case?

9 A Yes, sir. It's impossible to do that as one  
10 person.

11 Q How big a pile of documents are we talking about?

12 A I believe I heard you describe them as that big or  
13 so (indicating).

14 Q Darn right, and I've gone through them. Have you?

15 A I haven't gone through every one. I have other  
16 people assisting.

17 MR. FISCHER: Thank you.

18 A Sure.

19 THE COURT: Miss Peebles.

20 RECROSS-EXAMINATION

21 BY MISS PEEBLES:

22 Q Agent Lyons, I want to ask some questions about the  
23 Lang computer and what was found on the Lang computer, okay?

24 A Yes, ma'am.

25 Q Now there were a lot of things that were found on

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1 that hard drive, correct?

2 A There were things. I wouldn't say a lot of things,  
3 but there were things.

4 Q There were e-mails?

5 A Some.

6 Q Did you review all of the e-mails?

7 A I reviewed some of the e-mails, yes, ma'am.

8 Q Molanare. Agent, I'm going to hand you what's been  
9 marked as Defendant's O-12 and ask if you saw that document  
10 before?

11 A Yes, I have.

12 Q Can you identify it?

13 A It's a photograph of George and Renee Lang.

14 MISS PEEBLES: At this point I'd like to offer  
15 Defendant's Exhibit O-12.

16 MR. LOVRIC: Objection.

17 MR. FISCHER: No objection.

18 THE COURT: Basis.

19 MR. LOVRIC: He didn't do the forensic  
20 analysis of the Lang computer. I have no objection when the  
21 forensic person is on the stand to talk about how he  
22 recovered that. But this agent just said he hasn't done the  
23 forensic work.

24 THE COURT: I didn't hear any question about  
25 how that picture was recovered. I just heard the attorney



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1 offer a picture into evidence.

2 MR. LOVRIC: I object to foundation. This  
3 person doesn't -- this agent didn't do the forensic analysis  
4 on the computer, Judge. A forensic expert who's going to  
5 testify --

6 THE COURT: I know that. What do you say  
7 about that?

8 MISS PEEBLES: Well, your Honor, he was the  
9 lead investigator. I'm quite sure he reviewed all of the  
10 contents that were retrieved from the hard drive. Therefore,  
11 he has firsthand knowledge. While he may not have printed  
12 this out, he was certainly involved in reviewing these  
13 documents as part of his investigation, and he was able to  
14 identify it as one that he had seen. So based on that, your  
15 Honor, I would offer it. I'm not going to ask him how it was  
16 retrieved from the hard drive, but it's a simple follow-up on  
17 some of the questions Mr. Lovric had asked.

18 THE COURT: Maybe you can ask him a  
19 foundational question as to where he did get this particular  
20 document.

21 MISS PEEBLES: Yes.

22 BY MISS PEEBLES:

23 Q Mr. Lyons, do you recall where you saw, first saw  
24 this document?

25 A I believe it was in the report of the forensic

1 examination of the Lang computer.

2 Q And who was the forensic examiner?

3 A James Thompson.

4 Q He was working on behalf of you and your agency?

5 A Yeah. State Police actually provided the Lang  
6 computer to his unit.

7 MISS PEEBLES: At this point, your Honor, I'd  
8 like to offer this exhibit.

9 THE COURT: Okay. We'll receive Defendant's  
10 O-12 in evidence.

11 Q And that was -- this O-12 is a photograph of Renee  
12 Lang and her husband George Lang, correct?

13 A Yes, ma'am.

14 Q Now, Mr. Lovric was asking you questions about  
15 photographs that were obtained off of the Lang computer, and  
16 you indicated that there were some digital pictures that were  
17 actually talked about when he was asking you some questions.  
18 Is that fair to say?

19 A Yes, ma'am.

20 Q All right. Now, this is a JPEG picture, correct?

21 A Yes.

22 Q Now that does not require the user to hook up a  
23 digital camera to the hard drive in order to get it onto the  
24 computer, is that fair to say?

25 A Not always, that's correct.

1           Q     Now, when you are retrieving information -- Well,  
2     strike that.

3                     In order to get a digital camera hooked up to a  
4     computer, you need a USB port, correct?

5           A     I believe so. But if there's technology that I'm  
6     unaware of, I'm not a forensic examiner -- but that's my  
7     understanding.

8           Q     And that would be important for you to know if it  
9     were regarding the use of a digital camera, correct?

10          A     Regarding to know what? I'm not sure what you're  
11     asking me.

12          Q     To know whether or not a digital camera was ever  
13     hooked up to a hard drive, whether there was a USB port,  
14     correct?

15          A     Yes, that would be a logical question.

16          Q     There was no USB port that was hooked up to this  
17     particular hard drive, is that fair to say?

18          A     I've never seen the actual system.

19          Q     But you spoke to the computer forensic analysis  
20     individual in this case, correct?

21          A     Yes, ma'am.

22          Q     Did you review some e-mails that were retrieved off  
23     of the hard drive?

24          A     Yes, I did.

25          Q     Those e-mails were between the Langs and Mrs.

1 O'Connor, is that fair to say?

2 A Yes, ma'am.

3 Q And those e-mails -- well, I'm going to hand you  
4 what's been marked as Defendant's Exhibit O-13 and ask if you  
5 can identify this document.

6 A Yes, ma'am.

7 Q This is a document that was recovered from the  
8 computer. Lang computer. Was this also provided to you by  
9 your forensic analysis individual?

10 A Yes, it was.

11 MISS PEEBLES: Your Honor, again, I'd like to  
12 offer Defendant's Exhibit O-13 into evidence.

13 MR. LOVRIC: No objection.

14 MR. FISCHER: No objection.

15 THE COURT: Receive Defendant's O-13 in  
16 evidence.

17 Q Now looking at Defendant's Exhibit O-13, in the  
18 contents of that e-mail, it's from Linda O'Connor to the  
19 Langs, correct?

20 A Yes.

21 Q And could you read Exhibit O-13, please.

22 A From Linda O'Connor, Linda2u2@hotmail.com to  
23 Onemarsh@worldnet.att.net. Saturday, April 15, 2006, 5:57  
24 PM. Subject: Read this dad please. "I'm sorry I have been  
25 so distant with you and mom. I am still in shock and I'm

1 having a very hard time with this, but I know we need to see  
2 each other as well. I'm sure you are very weak as well as  
3 sick. I don't want you to go through this alone. Do you  
4 forgive me? I hope you do. I love both of you. Linda."

5 Q Did you, after getting this e-mail, speak to Renee  
6 Lang about this?

7 A I don't know if it was before or after when I  
8 interviewed Mrs. Lang.

9 Q But you became aware at some point during your  
10 investigation that the Langs had a falling-out with Mrs.  
11 O'Connor, is that fair to say?

12 A Yes.

13 Q Agent, I'm also going to hand you what's been  
14 marked as Defendant's Exhibit O-14 and ask if you can  
15 identify that document.

16 A Yes. This is also an e-mail that was retrieved  
17 from the Lang computer.

18 Q And that was also provided to you by your forensic  
19 analysis individual?

20 A Yes, it was.

21 Q Is that Mr. Thompson, Agent Thompson?

22 A Yes.

23 MISS PEEBLES: Again, at this point I'd like  
24 to offer Defendant's Exhibit O-14.

25 MR. LOVRIC: No objection.

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1 MR. FISCHER: No objection.

2 THE COURT: Receive Defendant's O-14 in  
3 evidence.

4 Q Agent Lyons, I would ask if you could read  
5 Defendant's O-14 into evidence.

6 A From Linda O'Connor, Linda2u2@hotmail.com to  
7 Onemarsh@att.net, sent Monday, April 17, 2006, 1:40 PM.  
8 Subject: Re: For Shannon. "I will tell her that you said  
9 you didn't know she was sick. She went to the hospital, her  
10 breathing was 82 percent oxygen, IVs and oxygen. I did not  
11 call you because I knew you had enough to deal with. I am  
12 praying for you very much. I miss you, but Shannon and I  
13 cannot take the stress. She was in the hospital for two  
14 nights, three days. We left at 11:00 PM on last Monday and  
15 got home Wednesday at 2 PM. I will censor all mail that  
16 comes in here. She cannot take any more stress. I am sorry,  
17 but for me to live, it has to be this way."

18 From Onemarsh@att.net to Linda2u2@hotmail.com  
19 (Linda O'Connor). Subject: For Shannon. Date, Monday, 17  
20 April 2006. 18:32:32 + 0000. "Shannon, I am sorry you are  
21 sick. I did not know. I hope you feel better now.  
22 Remember, we will always love you. Love, Grandpa and  
23 Grandma."

24 Q Now, again Agent Lyons, it appears that there's  
25 somewhat of a strain in the relationship between the

1 O'Connors and the Langs, is that fair to say?

2 A I think in around July 2006, June, July, that's  
3 when the relationship was strained. Yes, ma'am.

4 Q Well, these e-mails were in April of 2006, is that  
5 fair?

6 A Yes, ma'am.

7 Q Now, Mr. Lang at that point was very sick, is that  
8 fair to say?

9 A Yes.

10 Q And he died in July of 2006?

11 A Yes. He did.

12 Q And you were aware that Mrs. O'Connor was not  
13 permitted to go to the funeral, is that fair to say?

14 A I don't know whether she wasn't permitted or she  
15 just wasn't informed.

16 Q And the other e-mails that were found were in sum  
17 and substance very similar to what you just read, is that  
18 fair to say?

19 A I don't remember. I'd have to see them.

20 MISS PEEBLES: No further questions. Thank  
21 you.

22 THE COURT: Mr. Lovric.

23 MR. LOVRIC: I just have three questions,  
24 Judge.

1 REDIRECT EXAMINATION

2 BY MR. LOVRIC:

3 Q Agent Lyons, the question Mr. Fischer asked you  
4 about how important it would be to check New Jersey storage  
5 sites to find this storage unit, if Mr. Sacco had one, do you  
6 remember those questions?

7 A Yes, I do.

8 Q The storage unit in Norwich was under whose name?

9 A Clesson Lockwood.

10 Q And before Clesson Lockwood was interviewed, had  
11 you ever seen or heard of his name in any of those thousands  
12 of documents that you looked at?

13 A Not that I recall.

14 Q So looking at all those documents and reviewing all  
15 those records, including bank records, did that in any way  
16 help you to find Clesson Lockwood?

17 A No, sir.

18 Q Mr. Fischer asked you about -- You did find checks  
19 for the Norwich storage unit being paid, is that correct?

20 A Yes, I did.

21 Q But in whose bank account were those checks found?

22 A Mr. Sacco's mother, Elizabeth Dinunzio.

23 Q Doesn't even have the same last name as him?

24 A That's correct.

25 Q It wasn't in his bank account that you found any



1 information leading you to the Norwich storage center?

2 A That's correct.

3 Q And is it fair to say you have no idea what other  
4 persons he may have known or had him help him out to get  
5 storage units?

6 A Other fam -- I knew of names of other family, but  
7 other than that, no.

8 Q My final question is: Miss Peebles just had you go  
9 over a couple of e-mails between George Lang and Linda  
10 O'Connor.

11 A Yes, sir.

12 Q Those e-mails that you looked at and you read,  
13 those e-mails all occurred prior to Shannon disclosing any  
14 sexual abuse by George or Linda O'Connor or Mr. Sacco?

15 A That's correct.

16 MR. LOVRIC: That's all I have.

17 THE COURT: Anything, Mr. Fischer?

18 MR. FISCHER: Yes, your Honor, just briefly,  
19 if I may.

20 RECROSS-EXAMINATION

21 BY MR. FISCHER:

22 Q You have records where Mr. Sacco specifically asked  
23 for transfers of funds to pay for the unit 129, am I correct?

24 A Yes, sir.

25 Q And those were retrieved from the jail, weren't

1 they?

2 A Yes, they were.

3 Q So you do have direct evidence, I mean, you were  
4 able to find direct evidence that Mr. Sacco was saying  
5 transfer funds from point A over to pay for this storage  
6 unit, am I correct?

7 A For that storage unit in Norwich, yes.

8 Q It's not your testimony that you could not have,  
9 with all the power of the government, ever found this  
10 information if it existed about Mr. Sacco paying for a  
11 storage unit prior to August of 2006; you're not saying that,  
12 are you?

13 A I'm saying I have to have some information that  
14 leads me to a location. The storage unit we found in  
15 Elizabeth, we learned it from his diary.

16 Q Did you find anything from Mr. Sacco's mother, the  
17 mother's account, indicating that she paid for this storage  
18 unit in New Jersey?

19 A No, sir.

20 Q Did you find anything in her banking records at all  
21 indicating that she ever paid for any storage unit other than  
22 this storage unit when Mr. Sacco was in jail?

23 A Not to my knowledge.

24 MR. FISCHER: All right. Thank you.

25 THE COURT: Miss Peebles?

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1                   MISS PEEBLES: I have no further questions.  
2 Thank you.

3                   THE COURT: Mr. Lovric?

4                   MR. LOVRIC: I have no other questions, your  
5 Honor.

6                   THE COURT: Thank you, Special Agent Lyons.  
7 You may step down, sir.

8                   (Witness excused)

9                   MR. LOVRIC: Judge, the next witness is Judith  
10 Wingate-Wade.

11                  THE COURT: All right.

12                  THE CLERK: Ma'am, please come forward and  
13 state your name for the record.

14                  THE WITNESS: Judith Wingate-Wade.

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Judith Wingate-Wade - Direct

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1 J U D I T H W I N G A T E - W A D E, having been called  
2 as a witness, being duly sworn, testified as follows:

3 THE COURT: Okay. Mr. Lovric.

4 DIRECT EXAMINATION

5 BY MR. LOVRIC:

6 Q Is it okay if I call you Miss Wade?

7 A Sure.

8 Q You'll have to speak into the microphone so  
9 everybody can hear you, okay?

10 A Yes.

11 Q Can you just indicate for the jury again your full  
12 name and tell us where you work, what kind of agency you work  
13 for.

14 A My name is Judith Wingate-Wade and I work for the  
15 City of Norwich Housing Authority.

16 Q And what is your position at the Norwich Housing  
17 Authority?

18 A I'm the executive director.

19 Q Miss Wade, briefly, can you just tell us, what is  
20 the Norwich Housing Authority and what kind of services do  
21 you provide?

22 A We're the municipal housing authority for Norwich,  
23 New York. We have two public housing projects, and we also  
24 provide rental assistance through the federally funded  
25 Housing Choice Voucher Program.

Judith Wingate-Wade - Direct

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1           Q     Is the program that you provide housing through,  
2     the federal program, is that sometimes referred, commonly  
3     referred to as HUD or the HUD funding?

4           A     Yes.  Quite a few of the -- a common name for it is  
5     the HUD program.

6           Q     Now, Miss Wade, in preparing to come here to  
7     testify, were you requested to look at a file involving a  
8     person by the name of Linda O'Connor?

9           A     Yes.

10          Q     And was Linda O'Connor a person that had at some  
11     point received financial assistance from the Norwich Housing  
12     Authority?

13          A     Yes.

14          Q     And what I'd like to do is just briefly talk about  
15     Linda O'Connor's assistance from Norwich Housing Authority  
16     and through this HUD program that your agency administers.

17                 Okay.  Approximately when was it first that Norwich  
18     Housing was reviewing an application for Linda O'Connor to  
19     receive any type of housing assistance?

20          A     In late December 2006 and early January '07.

21          Q     Okay.  And that's when the application process was  
22     proceeding through your agency?

23          A     Yes.

24          Q     And the application for housing assistance for  
25     Linda O'Connor, was that for what premises or what apartment?

Judith Wingate-Wade - Direct

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1           A     At the time that she came to our agency, I believe  
2 she was residing on 45 Fair Street in Norwich.

3           Q     Okay. And was she applying for housing assistance  
4 for that premises, for living at that premises?

5           A     The program is a choice program, so when you apply,  
6 you can have your choice of housing, but at that time I  
7 believe she was requesting that we assist her at that  
8 address.

9           Q     Okay. And prior to December of 2006, was Linda  
10 O'Connor receiving any type of housing assistance from your  
11 agency?

12          A     No.

13          Q     So prior to December -- Well, excuse me. Let me  
14 withdraw that. When -- when was it, if at all, that your  
15 agency approved any type of housing assistance to Linda  
16 O'Connor, approximately when?

17          A     January 2007.

18          Q     And then when was it approximately that your agency  
19 began to provide financial assistance to her in terms of  
20 paying her housing?

21          A     We began housing assistance payments on January 18,  
22 2007.

23          Q     Prior to January 18, 2007, did the Norwich Housing  
24 Authority provide any financial housing assistance to Linda  
25 O'Connor?

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1 A No.

2 Q So whatever financial or whatever rental  
3 obligations she had, your agency was not involved in helping  
4 her with the rent?

5 A That's correct.

6 Q And when your agency did approve the housing  
7 assistance for her, you indicated that was January 18 of '07?

8 A Yes.

9 Q And then did your agency commence to assist and pay  
10 for some of her rental obligations?

11 A Yes.

12 Q How much per month did your agency contribute to  
13 Linda O'Connor's rental obligations?

14 A \$366 a month. I'm going to check my file, if I  
15 may.

16 Q Okay.

17 A Yes. \$366 a month was the Housing Authority  
18 portion of the rental payment.

19 Q Okay. And whatever remainder was owed for monthly  
20 rent, who was responsible for that?

21 A That would be the tenant, Linda O'Connor.

22 Q And when you -- Excuse me. When your agency  
23 commenced to provide this assistance in January of '07, that  
24 first month, January '07, did your agency pay for any part of  
25 the rent for that month?

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1           A     Yes. We would have -- we made a prorated payment  
2 starting on the 18th of January through the end of January.

3           Q     Okay. So is it fair to say it would have been less  
4 than 366 that was paid for that first month?

5           A     Yes. We would have prorated it on a daily basis.

6           Q     Okay. Is it fair to say, January 18 being  
7 somewhere around the middle of the month, that payment would  
8 have been approximately about half of 366?

9           A     Yes.

10          Q     Whatever that number is. Now, who was the landlord  
11 at the time that your agency was making partial payments for  
12 the rent?

13          A     Mr. Dean Sacco.

14          Q     Okay. And when -- when your agency commenced to  
15 contribute to the total rent, where were the rent payments  
16 initially sent to?

17          A     They were sent to Mr. Sacco at a Jersey City, New  
18 Jersey address.

19          Q     Okay. And the portion that the Norwich Housing  
20 Authority paid, starting January 18 of 2007 and then  
21 continuing forward, was that portion always sent directly to  
22 the landlord, Mr. Sacco?

23          A     Yes.

24          Q     So, the portion that Norwich Housing was  
25 contributing, you didn't hand that money over to Linda



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1 O'Connor to send to Mr. Sacco?

2 A No.

3 Q That was sent directly to him?

4 A Yes.

5 Q And then whatever additional rent was owed on the  
6 monthly rent, then that was Linda O'Connor's obligation to  
7 pay that directly to the landlord?

8 A Yes.

9 Q Just -- if I can be clear. Prior to that first  
10 check in January, after January 18 of '07, that prorated  
11 amount -- By the way, do you know what the prorated amount  
12 is, just so we can indicate it?

13 A I'm going to check the file.

14 Q Okay.

15 A \$165.34.

16 Q That was sent sometime after January 18, 2007?

17 A Yes.

18 Q It was sent to Mr. Sacco directly?

19 A Yes. \$165.34.

20 Q Were -- prior to that were there any monies sent by  
21 Norwich Housing Authority to Dean Sacco prior to that?

22 A No.

23 Q Until approximately when did Norwich Housing  
24 Authority continue to contribute to the monthly housing for  
25 Linda O'Connor; until what point in time?

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1 A Until November 30 of '07.

2 Q And then as of sometime after November 30 of '07,  
3 did the Housing Authority then learn that Miss O'Connor moved  
4 to another location?

5 A Yes. We assisted her at 14 Miller Street in  
6 Norwich.

7 Q Okay. And did she continue to receive Housing  
8 Authority assistance at that new location sometime after  
9 November of '07?

10 A Yes.

11 Q Now at some point you indicated the Norwich Housing  
12 Authority was initially sending these monies monthly to Mr.  
13 Sacco in New Jersey, is that correct?

14 A Yes.

15 Q And then at some point did your authority commence  
16 to send them to a different location for Mr. Sacco's rent for  
17 45 Fair Street?

18 A Yes. We sent them to the Chenango County  
19 Correctional Facility.

20 Q And do you know about approximately when that  
21 started, that you started sending them to the correctional  
22 facility?

23 A In May of '07. Excuse me. Yes. May of '08 -- no,  
24 I'm sorry. May of '07.

25 Q Okay. As of May of '07 then, you began to send

Judith Wingate-Wade - Direct

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1 them to a correctional institution to Mr. Sacco?

2 A Yes.

3 Q And did that continue until about November of 2007?

4 A Yes.

5 MR. LOVRIC: That's all the questions I have,  
6 Judge.

7 THE COURT: Mr. Fischer.

8 MR. FISCHER: Your Honor, I'm going to ask for  
9 an opportunity to review the file that she brought with her.  
10 I don't know if you want to break now.

11 THE COURT: How much of a file is there? That  
12 looks pretty thick.

13 MR. LOVRIC: Judge, I can make it simpler.  
14 It's exactly the file I copied for everybody. I obtained it  
15 and I copied it for everybody so, I don't know.

16 THE COURT: Take a quick look, Mr. Fischer.  
17 Do it now. If you need more time, let me know and we'll take  
18 it.

19 MR. FISCHER: Thank you. May I?

20 THE WITNESS: Sure.

21 MR. FISCHER: Your Honor, I'm all set. I'm  
22 going to mark it as an exhibit before I go forward.

23 THE COURT: Good.

1 CROSS-EXAMINATION

2 BY MR. FISCHER:

3 Q Ma'am, I marked your file that you just handed me  
4 as Exhibit S-10.

5 A Yes.

6 Q That's the file that you brought with you?

7 A Yes, it is.

8 Q As I open it up, I find a small 3½ by 5 piece of  
9 paper. Do you see that piece?

10 A Yes, I do.

11 Q Was that provided to Mr. Lovric some time ago?

12 A No.

13 Q That's a recent creation, am I correct?

14 A That's a note, that page of notes that I took when  
15 I had a telephone conversation with Mr. Lovric.

16 Q You didn't send this over to Mr. Lovric to send to  
17 me, did you?

18 A I don't believe that was the -- in the file when we  
19 copied it, no.

20 Q Okay. But everything else in the file, did you  
21 send to Mr. Lovric to send over to me?

22 A Yes. With the exception of the subpoena notices  
23 which are in the file.

24 Q And these notes on the sheet that you did not send  
25 over are based upon your conversations with Mr. Lovric, am I

1 correct?

2 A Yes. One telephone conversation with him.

3 MR. FISCHER: Those are all the questions I  
4 have. Thank you, Judge.

5 THE COURT: Mrs. Peebles.

6 CROSS-EXAMINATION

7 BY MISS PEEBLES:

8 Q Good morning, Miss Wade.

9 A Good morning.

10 Q In connection with Linda's application for  
11 assistance, there was a new lease that was prepared, is that  
12 correct?

13 A When the apartment was approved, yes.

14 Q You have to go through an approval process before  
15 they'll agree upon an amount for rent, is that fair to say?

16 A Yes.

17 Q I'm going to hand you what's been marked as  
18 Defendant's O-15 and ask if you can identify this document.

19 A This appears to be page 1 of a copy of a lease  
20 between Linda O'Connor and Dean Sacco and -- but the other --  
21 the second page is the last page of an application that Linda  
22 O'Connor submitted to our office.

23 Q Do you have a full copy of the lease in your file  
24 with you?

25 A Yes.

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1 Q Can I take a look at that, please?

2 A Yes.

3 Q Can you detach it from your documents. I  
4 apologize. I just want to make sure.

5 Is this -- would this be the entire --

6 MISS PEEBLES: I'm going to mark this --  
7 excuse me -- as Defendant's Exhibit O-16.

8 Q Can you identify this document?

9 A This was a lease that was prepared by our office  
10 and executed by Miss O'Connor and Mr. Sacco, and it was  
11 effective January 18 of '07.

12 MISS PEEBLES: Your Honor, I'd like to offer  
13 this into evidence at this time.

14 MR. LOVRIC: No objection.

15 MR. FISCHER: Can I see it, please?

16 No objection.

17 THE COURT: Receive Defendant O-16 in  
18 evidence.

19 BY MISS PEEBLES:

20 Q Now, the amount of the rent that was decided upon  
21 in the lease that now has been entered into evidence as  
22 Defendant's O-16 was reduced from the original 600 to 479, is  
23 that correct?

24 A If the original rent was 600, we would not have  
25 approved that amount. Apparently it was over our rent limits

1 for our program.

2 Q So in order to accept Norwich Housing Authority  
3 assistance, the rent was required to be reduced to \$479, is  
4 that correct?

5 A That's correct.

6 Q And Mrs. O'Connor's portion of the rent would have  
7 been \$113 after that, is that correct?

8 A Yes.

9 Q Now, her housing assistance through Norwich Housing  
10 Authority was essentially just absorbed as a result of her  
11 assistance that she had received when she was in Deposit or  
12 Delaware County, is that true?

13 A That's correct. She was a ported voucher, in other  
14 words, she could carry her assistance from Delaware County to  
15 Chenango County and from Chenango County to Chenango to our  
16 agency, because we cover the city, and we did absorb her into  
17 our program as a full voucher.

18 Q Now, there were some letters that have been  
19 generated by Mr. Sacco in connection with the property of 45  
20 Norwich. Are you aware of that?

21 A In spring of '07, yes. To our agency.

22 Q Yes?

23 A Yes.

24 Q Okay. Were they specifically addressed to a woman  
25 by the name of Lisa Robinson?

Judith Wingate-Wade - Cross

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1 A Yes.

2 Q And in those letters is it fair to say that he was  
3 very concerned about losing the property, is that fair to  
4 say?

5 A Yes. I believe one of the letters was actually  
6 addressed to me.

7 Q And in those letters he was asking you for  
8 assistance to help him in order to coordinate getting the  
9 mortgage paid, is that fair to say?

10 A That's correct.

11 Q Now, there was a point in time where Mrs. O'Connor  
12 was in the county jail for a 90-day period during the time  
13 she was collecting housing assistance. Is that fair to say?

14 A Yes.

15 Q And those payments were going to Mr. Sacco because  
16 all of her furnishings were still at 45 Fair Street, is that  
17 fair to say?

18 A Yes.

19 Q And did you know why she was in the county jail?

20 A I don't believe we did until after she was released  
21 and visited our office.

22 Q And did she tell you why she was in the county  
23 jail?

24 A I believe she gave us a document from the Family  
25 Court which described the reason why.



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1 Q Do you know she was released from jail mid October  
2 2007, is that fair to say?

3 A Yes.

4 Q And she moved to 14 Miller Street in November of  
5 2007, is that fair to say?

6 A I'm not sure of the exact date. We began assisting  
7 her at Miller Street as of December 1, '07.

8 Q Do you have anything in your file that would  
9 reflect when Mrs. O'Connor moved to 14 Miller Street?

10 A I'll check.

11 I don't have any documents stating exactly when she  
12 moved. I know we ended our assistance at the first address  
13 on November 30 and began at the new address on December 1.

14 Q Okay. Did you become aware of a situation when  
15 Linda O'Connor was released from jail when she went back to  
16 45 Fair Street where she had problems because of the water  
17 and everything had been shut off?

18 A Yes.

19 Q And your agency became involved at that point?

20 A I believe we tried to remedy the problem of no  
21 water by paying part of our portion of the housing assistance  
22 payments directly to the city water department, which the  
23 city water department agreed to accept.

24 MISS PEEBLES: Thank you. I have no further  
25 questions.

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1 THE COURT: Mr. Lovric?

2 MR. LOVRIC: I have no other questions, Judge.

3 THE COURT: Mr. Fischer?

4 MR. FISCHER: Thank you, your Honor. No, your  
5 Honor. Thank you.

6 THE COURT: Thank you, Miss Wingate-Wade. You  
7 may step down, ma'am.

8 (Witness excused)

9 THE COURT: All right, ladies and gentlemen.  
10 It's a good time to break for lunch. We'll see you back at  
11 1:30. Court stands adjourned.

12 (Lunch break taken)

13 (Jury present)

14 THE COURT: Okay. Mr. Lovric, who do you got?

15 MR. LOVRIC: Next witness we call is Naomi  
16 Panus.

17 THE COURT: Okay.

18 THE CLERK: Ma'am, please state your name for  
19 the record.

20 THE WITNESS: Naomi Panus.

21

22

23

24

25

Naomi Panus - Direct

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1 N A O M I P A N U S, having been called as a witness,  
2 being duly sworn, testified as follows:

3 THE COURT: Okay, Mr. Lovric.

4 DIRECT EXAMINATION

5 BY MR. LOVRIC:

6 Q Miss Panus?

7 A Yep.

8 Q Just for the members of the jury, again tell them  
9 your full name and tell us also, where do you work?

10 A Naomi Panus. I'm a caseworker at Broome County  
11 Department of Social Services.

12 Q And Miss Panus, how long have you been with the  
13 Broome County Department of Social Services?

14 A I've been there a little over a year.

15 Q And prior to coming to work for Broome County, I'll  
16 just abbreviate it as DSS, where were you working prior to  
17 that?

18 A Chenango County Department of Social Services.

19 Q And how long had you worked at Chenango County DSS?

20 A Approximately a year and a half.

21 Q And I'd like to talk a little bit about the kind of  
22 work that you currently perform at Broome County DSS and the  
23 kind of work that you performed at Chenango County DSS. How  
24 would you describe your work? What is it that you do for the  
25 Department of Social Services?

1           A     We receive state reports about child abuse and  
2 maltreatment and we go and investigate the reports that we  
3 receive.

4           Q     Excuse me. And in connection with working with  
5 DSS, Department of Social Services, do you also interact from  
6 time to time with other agencies?

7           A     Yes.

8           Q     For example, would it be common sometimes for you  
9 to also interact with perhaps a housing authority, within the  
10 county, as it may relate to a case that you're working on?

11          A     Yes.

12          Q     Do you -- do you, as a caseworker for DSS, do you  
13 have also any type of legal obligations to advise law  
14 enforcement if there's something that was committed that may  
15 have actually caused a crime to be committed to a minor, for  
16 example?

17          A     Yes.

18          Q     Now, in coming to work for Chenango County DSS, how  
19 would you describe your background, training in terms of  
20 prior to coming to work for Chenango County?

21          A     I have a bachelor's from Binghamton University in  
22 human development, and then working with Social Services,  
23 they sent us to core training, they sent us to CPS training,  
24 sex abuse, medical training, legal training, different  
25 varieties, domestic violence, substance abuse trainings.

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1 Q Okay. And I take it the trainings that you're  
2 talking about are trainings that you received at the time you  
3 came to work for the Chenango County DSS?

4 A Yes.

5 Q Now, while you worked at Chenango County DSS, how  
6 large or small a staff did -- would you describe was present  
7 there as far as caseworkers? Just about how many caseworkers  
8 were there?

9 A About 12.

10 Q Okay. When you were working at Chenango County  
11 DSS, how would cases be assigned, cases that dealt with, for  
12 example, minors that needed to be investigated?

13 A Our supervisor Maureen Span would give them out to  
14 whoever was up in the rotation where they were located.  
15 That's how we would get them.

16 Q Okay. So fair to say you try to keep the case load  
17 evened out so everybody's working an equal amount of cases?

18 A Yes.

19 Q Approximately, you said, you've been with the  
20 Broome County DSS about a year?

21 A Yes.

22 Q Prior to that you were in Chenango County?

23 A Yes.

24 Q And when you went from Chenango to Broome County,  
25 was it better scenery, more money? How would you describe

1 the move?

2 A More money, closer to home.

3 Q Okay. I'd like to talk a little bit about a  
4 particular case that you worked on while you were at Chenango  
5 County DSS, and the case I'd like to talk about is a case  
6 involving a Linda O'Connor and a Shannon O'Connor. Are you  
7 familiar with that case?

8 A Yes.

9 Q Now, approximately when was it that you became  
10 involved in the Linda O'Connor and Shannon O'Connor DSS case?

11 A August 11, 2007.

12 Q Okay. Was it 2007 or 2006?

13 A I'm sorry. 2006.

14 Q Now, prior to that time, did you or Chenango County  
15 DSS, you or the county DSS, prior to that date, did you have  
16 any other involvement of any type with Linda O'Connor prior  
17 to that date?

18 A No.

19 Q And how was it on August 11, 2006, how was it that  
20 you first became aware of a matter which then became a case  
21 that you worked on?

22 A We received a child protective report from the  
23 state regarding Linda O'Connor and her daughter Shannon.

24 Q Did you receive any particular information as to  
25 where to go or what might have occurred?

1           A     We received the report stating that Shannon had  
2     taken pills from her mother and that she was sick and she was  
3     at the Y camp.

4           Q     Okay. And on that date, on August 11, 2006, were  
5     you actually assigned to go and investigate this matter?

6           A     Yes.

7           Q     And where did you go on that date, on August 11 of  
8     2006?

9           A     I first went up to the Y camp in Norwich to try and  
10    interview Shannon, but when I arrived, they were taking her  
11    out on an ambulance.

12          Q     Okay. Do you know where they took her at that  
13    point in time?

14          A     To the Chenango Memorial Hospital in Norwich.

15          Q     Okay. And when you arrived at the camp, did you  
16    get a chance to speak to Shannon there at the camp or not?

17          A     No.

18          Q     And when you arrived at the camp, was Linda  
19    O'Connor at the camp when you arrived?

20          A     No.

21          Q     Now, did you at some point go over to Chenango  
22    Memorial Hospital then?

23          A     Yes.

24          Q     And when you arrived at the hospital, did you have  
25    a chance to then at some point meet and talk to Shannon

1 O'Connor?

2 A Yes.

3 Q Prior to that date, had you ever met Shannon  
4 O'Connor before?

5 A No.

6 Q And at some point while you were at the hospital  
7 did Linda O'Connor arrive at the hospital?

8 A Eventually, yes, she did.

9 Q Now, do you see Linda O'Connor in court today?

10 A Yes.

11 Q Can you just indicate where just so, for the  
12 record, we know?

13 A Right over there (indicating).

14 Q What's she wearing on top?

15 A She's got the yellow blouse on, red hair, glasses  
16 on top of her head.

17 MR. LOVRIC: Just for the record, indicating  
18 the defendant O'Connor.

19 THE COURT: Record will so reflect.

20 Q When Linda O'Connor arrived at the hospital, did  
21 you have any conversations with Linda O'Connor?

22 A Yes.

23 Q What was the conversation with her about?

24 A I was explaining to her what was going on with her  
25 daughter and that Shannon did not want to see her. She was



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1 afraid to see her mom. Shannon -- or Linda started yelling  
2 and screaming that she wanted to see her child. And then I  
3 told her that Shannon had said she doesn't want to see her.

4 MISS PEEBLES: Objection. Objection.

5 THE COURT: Sustained.

6 MR. LOVRIC: It's not being offered for the  
7 truth, Judge. It's being offered as to the conversation  
8 between the defendant and this witness as to why she's  
9 talking with her.

10 THE COURT: Not for the truth of what she told  
11 her.

12 MR. LOVRIC: It's not being offered for the  
13 truth of what Shannon O'Connor said; rather their  
14 communications and the reasoning for it.

15 THE COURT: Okay.

16 BY MR. LOVRIC:

17 Q So you're having this conversation with Linda  
18 O'Connor?

19 A And I had explained to her that Shannon had said,  
20 you know, Linda yells at her, hits her. The first remark,  
21 you don't see any bruises on her, do you?

22 Q Who said that?

23 A Linda said that to me.

24 Q Okay. How would you describe Linda O'Connor -- how  
25 would you describe Linda O'Connor's demeanor when she's

1 speaking to you?

2 A She was very agitated. She just -- she wasn't --  
3 she was very nasty when she was speaking to me.

4 Q Now, at the point in time when you spoke to Linda  
5 O'Connor, had you already had some discussions or had you  
6 already interviewed Shannon O'Connor to some degree at that  
7 point in time?

8 A Yes.

9 Q Now, did you have any conversations at that time at  
10 the hospital, Chenango Memorial, with Linda O'Connor about  
11 any kind of CPS history?

12 A Yes.

13 Q What did you ask her?

14 A I asked her if she had a previous CPS history. She  
15 told me no, she didn't.

16 Q Okay. Now, at that point in time did you know  
17 anything about Shannon or -- excuse me -- Linda O'Connor's  
18 prior history, anything like that?

19 A No.

20 Q So you had no knowledge?

21 A Not at that time.

22 Q So when Linda O'Connor told you no, you took it at  
23 face value that she had no prior CPS history?

24 A Correct.

25 Q From the hospital, where was Shannon O'Connor then

1 taken, from Chenango Memorial?

2 A She was taken to Syracuse, Upstate Medical.

3 Q And did you -- how did you know that, I guess is my  
4 question?

5 A The doctor had told us when we were there.

6 Q Now just an approximation, do you recall about how  
7 much time Shannon spent in the Syracuse hospital?

8 A About four days. Four or five days.

9 Q And during the time that she was in the hospital,  
10 did you have communications or contact with Shannon?

11 A Yes.

12 Q Okay. Was it in person or telephonic?

13 A Through phone.

14 Q And did you continue to talk to Shannon about her  
15 living situation and things that were going on at the house?

16 A A little.

17 Q Okay. And during the time that Shannon was in the  
18 hospital in Syracuse, did you -- during that time did you  
19 also have any additional conversations with Linda O'Connor?

20 A Yes.

21 Q Where did those take place?

22 A One was at her house, the other one was at the  
23 office.

24 Q Whose office?

25 A At our office, at the DSS office.

Naomi Panus - Direct

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1 Q Okay. And in speaking to Linda O'Connor, did you  
2 again ask her about any prior CPS history?

3 A She was asked on both days if she had a CPS  
4 history.

5 Q What did she tell you?

6 A She said no, she didn't.

7 Q CPS history, CPS refers to what?

8 A Child Protective Services.

9 Q And on both of those occasions she denied having  
10 any other prior history?

11 A Correct.

12 Q Now prior to Shannon O'Connor coming out of the  
13 hospital from Syracuse, did you have any conversations with  
14 Linda O'Connor about how things would be when Shannon comes  
15 back home?

16 A Yes. She said that things were going to be  
17 different this time.

18 Q And this is Linda O'Connor?

19 A Yes.

20 Q Did she elaborate on that? Did she elaborate about  
21 what she meant by things would be different?

22 A No.

23 Q Now, at that point in time, when you're speaking to  
24 Linda O'Connor, this -- and this is prior to Shannon coming  
25 out of the hospital from Syracuse?

Naomi Panus - Direct

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1 A Yes.

2 Q We're still talking about prior to Shannon --

3 A Yes.

4 Q Did you have any information about what was going  
5 on at home? Did you have information at this point in time?

6 A Just that Shannon had said that mother --

7 MISS PEEBLES: I'm going to object, Judge.  
8 I'm not even sure of the time frame he's referring to.

9 MR. LOVRIC: I'll narrow the time frame, if  
10 that's the problem.

11 From the time Shannon went to the Syracuse  
12 hospital and prior to her getting out several days, that's  
13 the time frame I'm asking this witness about.

14 THE COURT: Don't you have to identify the  
15 source?

16 MR. LOVRIC: Yes, Judge. I'm asking her if  
17 she had information.

18 THE COURT: She told us she did. Can you  
19 identify the source.

20 BY MR. LOVRIC:

21 Q How did you learn things about what was going on in  
22 the household, at the O'Connor household?

23 A Through Shannon.

24 Q Did she describe for you or tell you what was going  
25 on in the household?

Naomi Panus - Direct

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1           A     She said her mom was yelling at her, she would hit  
2 her. I asked how. She said with her fist or any object she  
3 can get her hands on.

4           Q     Okay. Did you then -- In connection with that, did  
5 you then ask Linda O'Connor about those things?

6           A     Yes.

7           Q     And what was Linda O'Connor's response to those?

8           A     She said, you don't see any bruise on her, do you?

9           Q     Was that, in sum and substance, her exact wording?

10          A     Pretty much, yes.

11          Q     Now did Shannon O'Connor leave the Syracuse  
12 hospital after a few days?

13          A     Yes.

14          Q     And how did she get home, if you know?

15          A     I picked up Linda and both of us drove up -- I  
16 drove up to Syracuse with Linda and picked up Shannon and  
17 brought her back home.

18          Q     Okay. When you say back home, where was she taken  
19 to?

20          A     Forty-five Fair Street.

21          Q     And that's in Norwich?

22          A     Yes.

23          Q     And what was your understanding as far as who lived  
24 at 45 Fair Street?

25          A     Linda and Shannon lived downstairs, and then there

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1 was the neighbors that are upstairs, the Pipers.

2 Q Okay. To your knowledge, who were the Pipers?

3 A All I know is that they were just neighbors  
4 upstairs. Elderly people in their 80s.

5 Q Okay. At that point in time, did you know whether  
6 or not Linda O'Connor rented or owned or what the apartment  
7 situation was for her?

8 A Yep. She told me she rented from Dean Sacco, he  
9 was the -- she actually told me he was the one that got  
10 Shannon into the Y camp and he drives her around because she,  
11 Linda, doesn't have a car, and he would drive Linda around to  
12 places she needed to go.

13 Q Had you ever met Dean Sacco?

14 A No.

15 Q If you ran into him, you wouldn't know who he was?

16 A No.

17 Q The things you do know about Dean Sacco, who was it  
18 that told you those things?

19 A A little -- just a little from Linda and then a  
20 little from Shannon.

21 Q Okay. And when did Linda tell you that Dean Sacco  
22 had gotten Shannon into the Y camp?

23 A This is before Shannon came home from the hospital.

24 Q And when did Linda O'Connor tell you that Dean  
25 drives her around in the Norwich area?

1           A     Right before she came home from the hospital as  
2 well.

3           Q     Shannon was taken to the hospital for what purpose,  
4 to your knowledge?

5           A     To my knowledge, she took three of her mother's  
6 pills and injected herself with insulin that was her  
7 mother's.

8           Q     Okay. Do you know or did you ever learn what kind  
9 of pills these were?

10          A     I don't know.

11          Q     Okay. And when she was taken up to Syracuse, was  
12 it just for her physical well-being or was there also a  
13 mental evaluation that was done with respect to Shannon?

14          A     I do believe there was a mental as well because she  
15 wanted to kill herself. That was her reason for taking the  
16 pills.

17          Q     Okay. And when she was released from Syracuse, do  
18 you know what the conclusion was as far as releasing her as  
19 far as her mental stability issues were concerned?

20          A     I don't.

21          Q     Okay. Now, the first contact you indicated was on  
22 August 11, 2006?

23          A     Correct.

24          Q     I'd like to now direct your attention to  
25 approximately August 20 of 2006, some nine days later. Did



1 there come about an event that caused you to again directly  
2 become involved with Linda O'Connor and Shannon O'Connor?

3 A Yes.

4 Q What was that?

5 A Linda had gone to the hospital for kidney stones  
6 and left Shannon home alone.

7 Q And when you say Shannon was left home alone, what  
8 do you mean by that?

9 A Linda made no arrangements for any kind of  
10 supervision for Shannon when she was in the hospital.

11 Q And did you -- did you reference or did you find  
12 out what, if any, food provisions were left in the house for  
13 Shannon?

14 A Shannon had called a counselor because she tried to  
15 cook French fries in a deep fryer and almost burned herself.  
16 And the next day, when we were there, there was rotten,  
17 spoiled food that was in the refrigerator, everything in the  
18 freezer was frozen, she didn't know how to cook it.

19 Q Okay. Were these observations that you made once  
20 you went to 45 Fair Street?

21 A Once in the home, yes.

22 Q And based on what you saw there, what was your  
23 assessment of whether or not Shannon was able to provide or  
24 care for herself while Linda was in the hospital?

25 A Shannon wasn't able to care for herself.

1 Q Did you have any indication that there was any  
2 adults or adult that was supposed to care for her at that  
3 time when Linda O'Connor was in the hospital?

4 A The upstairs neighbors were supposed to check on  
5 her, but they said they couldn't do it because of Shannon's  
6 constant needed supervision. They were unable to do it, they  
7 said.

8 Q On or about August 20 of 2006, what was the plan in  
9 terms of getting Shannon into some type of supervision, to  
10 have somebody supervise her?

11 A The plan was to have Shannon go and stay with Renee  
12 Lang.

13 Q Now, how did Renee Lang come about in terms of the  
14 person to have Shannon go and stay with?

15 A She was like a grandmother to Shannon. Linda has  
16 known her and her husband for many years.

17 Q Now at that time, this being August 20 of 2006,  
18 were you aware of any other direct family that Linda O'Connor  
19 had, any other family members in the area or anybody else  
20 that's directly related to her?

21 A No. Not at that time.

22 Q And at some point was Renee Lang contacted or was  
23 there communication with her whether she'd be willing to take  
24 Shannon and have her stay with her?

25 A Yes.

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1 Q And did the Family Court actually become involved  
2 at some point in connection with Renee Lang taking temporary  
3 custody of Shannon?

4 A Yes.

5 Q Now, approximately when is it that Shannon goes  
6 then to stay and live at Renee Lang's house?

7 A She goes that day, August 20.

8 Q And did she -- At that time did she continue to go  
9 to that Y camp that you mentioned earlier?

10 A Yes.

11 Q And how would she get to the Y camp?

12 A I'd pick her up every morning and take her and  
13 bring her back.

14 Q And you would pick her up at whose house?

15 A At Renee's house.

16 Q And then drop her off at the camp?

17 A Yes.

18 Q And how would she get home to Renee Lang's house?

19 A I'd pick her up at the camp and drop her back off  
20 at Renee's house.

21 Q And at that time when you're doing this, you're  
22 picking Shannon up and then dropping her off and picking her  
23 up at the end of the day, did you have a chance to observe  
24 Shannon's demeanor and how she was doing living at Renee  
25 Lang's?

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1 A Yes.

2 Q How would you describe Shannon's appearance,  
3 demeanor and her outward appearances to you?

4 A She seemed like a typical kid when she was there.  
5 She was happy that someone was getting up with her in the  
6 morning, had breakfast for her. She settled in really good  
7 at Renee's house.

8 Q And at the same time, approximately the end of  
9 August, was there a petition actually issued by the Family  
10 Court judge in connection with Shannon staying with Renee  
11 Lang?

12 A Yes.

13 Q What was that? What was the result of that  
14 petition?

15 A Renee was given temporary custody of Shannon.

16 Q Now, the Y camp that you would drive Shannon to and  
17 pick her up, did that last until sometime when the school  
18 year began?

19 A Yes.

20 Q And I take it the school year begins sometime after  
21 Labor Day, approximately?

22 A Correct.

23 Q Did Shannon actually then commence school in  
24 September of 2006?

25 A Yes.

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1 Q And what school district was it that she began  
2 school at?

3 A She was in Harpursville.

4 Q So she wasn't -- she wasn't coming back or brought  
5 back up to Norwich?

6 A No.

7 Q And in connection with, thus far, the intervention  
8 of DSS and the activities that occurred, was there a petition  
9 that DSS filed with the Family Court in connection with Linda  
10 O'Connor's custody of Shannon?

11 A Yes.

12 Q What was that petition?

13 A A neglect petition.

14 Q What does that mean?

15 A It's basically everything that has happened, the  
16 lack of supervision, the lack of food for Shannon, anything  
17 that has happened with mom and neglect stuff.

18 Q That petition was filed approximately when,  
19 approximately?

20 A September 14, around.

21 Q It's 2006?

22 A Yes.

23 Q Now, at the time when the petition is filed around  
24 September 14, and thereafter, do you have additional  
25 conversations with Linda O'Connor about the status of what is

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1 going on?

2 A Yes.

3 Q What kind of conversations were you having with  
4 Linda O'Connor? What were you explaining to her, what was  
5 she saying to you?

6 MISS PEEBLES: Objection, your Honor.  
7 Foundation.

8 THE COURT: Foundation as to time, place,  
9 speaker?

10 MISS PEEBLES: Time, place, yes. Yes, Judge.

11 THE COURT: I thought we were in September of  
12 '06, is that right, Mr. Lovric?

13 MR. LOVRIC: Yes, Judge. My question was as  
14 of September 14 of 2006 and then the days after that, the  
15 conversations that she was having with Linda O'Connor.

16 THE COURT: You can answer.

17 A I explained to Linda that -- about the supervision  
18 that Shannon needs. And Linda wasn't cooperative at all.  
19 She would just yell and scream, and there was many times I'd  
20 have to end our conversations. She wasn't very cooperative.

21 Q Were these conversations with Linda O'Connor in  
22 person or were they over the telephone or both?

23 A Both.

24 Q Did she ever hang up on you?

25 A Yes.

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1 Q And what was she angry about?

2 A I explained to her that a neglect petition was  
3 going to be filed, and she said she figured so and hung up  
4 the phone.

5 Q Did she, Linda O'Connor, did she offer any  
6 explanations as to lack of food being present in the house?

7 A No.

8 Q Did she offer any explanation as to why she didn't  
9 arrange for Shannon to have supervision while she went to the  
10 hospital?

11 A She said the neighbors upstairs were supposed to  
12 watch her.

13 Q Now, while Shannon was living at Renee Lang's  
14 house -- and the time frame that I want to focus on is  
15 towards the end of September of 2006 and then into the early  
16 part of October of 2006. Did you find or learn of any gifts  
17 and things of that nature Linda O'Connor was purchasing?

18 A Linda was purchasing a lot of gifts for Shannon.  
19 Different clothes, items like that she'd bring to visits.  
20 Then she would send Shannon packages. She also would tell  
21 Shannon that she was doing her whole room over for her and  
22 buying her all kinds of different things for her bedroom.

23 Q And did you observe or see what kind of effect this  
24 had on Shannon?

25 A Shannon liked it.

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1 Q Did Shannon express at some point she wanted to go  
2 back then to her mother?

3 A Yes.

4 Q And around this time -- and again, the time I'm  
5 talking about is end of September of 2006 and then early  
6 October of 2006 -- did you come to learn about an incident  
7 where Shannon had viewed Triple X porn sites and pregnancy  
8 sites?

9 A Yes.

10 Q Where did that happen?

11 A At Renee Lang's daughter's house.

12 Q Did Renee or her daughter inform of you that?

13 A Both of them did.

14 Q And what was Renee Lang's reaction to this conduct?

15 A She was very upset and she didn't want Shannon  
16 there anymore.

17 Q And did you then at some point have a discussion  
18 with Shannon --

19 A Yes.

20 Q -- about her having gone to porno sites and  
21 pregnancy sites?

22 A Yes.

23 Q When you first confronted Shannon, when you first  
24 asked her about it, did she admit any of that?

25 A No.



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1 Q Did you then persist in talking to her about it?

2 A Yes.

3 Q What was her reaction at some point after you  
4 persisted to ask her questions about it?

5 A She started to cry and said that she remembers  
6 seeing them on her mom's --

7 MISS PEEBLES: Objection, your Honor.  
8 Hearsay.

9 THE COURT: Sustained.

10 MR. LOVRIC: Judge, I believe this is going to  
11 be offered, but if I'm wrong, I'll move on.

12 THE COURT: You mean when another witness  
13 testifies?

14 MR. LOVRIC: It's going to be testified to by  
15 Shannon when she testifies.

16 THE COURT: That's what I was referring to.  
17 What's that got to do with whether or not it's admissible  
18 from this witness?

19 MR. LOVRIC: Well, Judge, I'll move on to the  
20 next question.

21 THE COURT: All right.

22 BY MR. LOVRIC:

23 Q You spoke to Shannon about these materials that she  
24 had accessed and viewed?

25 A Yes.

1           Q     Then at some point did you confront and talk to  
2 Linda O'Connor --

3           A     Yes.

4           Q     -- about the information that you had learned?

5           A     Yes.

6           Q     And what did you say to Linda O'Connor and what did  
7 she say back?

8           A     I asked her about the pornographic stuff that she  
9 had on her computer. She said she didn't. Then I asked her  
10 about the adult toys that she had. And she just had a blank  
11 look on her face and didn't say anything.

12          Q     Linda O'Connor?

13          A     Yes.

14          Q     When you say adult toys, did you say adult toys?

15          A     Yes.

16          Q     You used the word adult toys?

17          A     Yes.

18          Q     Did you at any point in talking with Linda O'Connor  
19 say anything to her about porn sites that she and George Lang  
20 had exchanged photographs of?

21          A     Yes.

22          Q     And what was Linda O'Connor's reaction to that?

23          A     She said she doesn't have them.

24          Q     What was her appearance like when you were  
25 discussing these things with her?

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1           A     She appeared shocked that I knew.

2                   MISS PEEBLES:  Objection.

3                   THE COURT:  Basis?

4                   MISS PEEBLES:  She's going to testify about  
5 her state of mind.  I object.

6                   THE COURT:  No, this witness can testify as a  
7 lay witness about the appearance of somebody else when she  
8 said something to her.

9                   MISS PEEBLES:  That's correct, and I have no  
10 objection to that portion of her testimony.

11                   THE COURT:  What portion are you objecting to?

12                   MISS PEEBLES:  Her state of mind as to what  
13 was going through her mind at the time.

14                   THE COURT:  She's saying what she observed  
15 about the witness.

16                   You can't tell us what you were thinking, you  
17 can tell us what she saw or how she felt about it.

18 BY MR. LOVRIC:

19           Q     Did you ask Linda O'Connor about porn that was sent  
20 to Linda O'Connor by George Lang?

21           A     I did.

22           Q     She have any reaction to that?

23           A     No.

24           Q     Did she deny it?

25           A     No.

1           Q     Now, at the time that you learned of these sites  
2     that Shannon had visited, did there come a point in time soon  
3     after that event that the Family Court became involved in  
4     terms of Shannon O'Connor's placement?

5           A     Yes.

6           Q     And did that happen actually in court?

7           A     Yes.

8           Q     And do you recall about what date that was?

9           A     October 11, 2006.

10          Q     And was Linda O'Connor present at that proceeding?

11          A     Yes.

12          Q     And what was DSS's recommendation to the Court as  
13     far as Shannon's placement at that time?

14          A     That she goes into foster care.

15          Q     And did the judge agree with that?

16          A     No.

17          Q     What did the judge do with respect to placement of  
18     Shannon O'Connor at that time?

19          A     He returned her back to mom, Linda.

20          Q     Back to Linda O'Connor's custody?

21          A     Yes.

22          Q     And on October 11 of 2006 did the judge instruct  
23     Linda O'Connor as to anything that she should or shouldn't do  
24     as far as Shannon's -- as far as Shannon having access to any  
25     person?

1 A Yes.

2 Q What was that?

3 A He told her that she was not to have -- Shannon was  
4 not to have unsupervised contact with Dean Sacco.

5 Q Were you aware of what it was that Shannon  
6 disclosed that caused that recommendation to be made to the  
7 court?

8 A Shannon stated that Dean creeps her out and scares  
9 her and tries to hug her a lot.

10 Q And other than that, did Shannon disclose anything  
11 else up to that point in time?

12 A No.

13 Q Based on that, did DSS recommend that the Court  
14 issue this order?

15 A Yes.

16 Q And did the judge actually issue that order?

17 A Yes.

18 Q As of October 11 of 2006, where did Shannon then  
19 commence to reside again?

20 A Back at 45 Fair Street, Norwich.

21 Q And what occurred as far as her going to school?  
22 Where did she go to school at that point?

23 A She went to Norwich schools.

24 Q So she was then transferred from Harpursville to  
25 Norwich school system?

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1 A Right.

2 Q How would you describe your interactions with Linda  
3 O'Connor after October 11 of 2006, after the judge issued  
4 this order?

5 A They were brief.

6 Q Okay. From about October 11, 2006 until the middle  
7 of November of 2006, did you have a great deal of interaction  
8 with Linda O'Connor or Shannon O'Connor?

9 A I had some.

10 Q Okay. What kind of -- what kind of interaction was  
11 that?

12 A Home visits usually.

13 Q Okay. And when you -- on the occasions you made  
14 the home visits, did you ever meet this other person named  
15 Dean Sacco?

16 A No.

17 Q Now, towards the middle of November of 2006, did  
18 there come a point in time that another caseworker would be  
19 coming into this case?

20 A Yes.

21 Q And how did that come about that another caseworker  
22 would be assigned to this matter?

23 A I took a job with the Broome County Department of  
24 Social Services and Elizabeth Chesebro took over the O'Connor  
25 case.

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1 Q And approximately sometime in the middle of  
2 November or so is when this transfer occurred?

3 A Yes.

4 Q Okay. I mean transfer of the case from you to Liz  
5 Chesebro?

6 A Yes.

7 Q And I take it from sometime the middle of November  
8 of 2006 forward, did you have any participation in the case  
9 involving Linda O'Connor and Shannon O'Connor?

10 A No.

11 Q And I take it you started your job in Broome County  
12 soon thereafter and picked up a whole new caseload?

13 A Yes.

14 Q When you learned that you were going to be leaving  
15 and a new caseworker was going to be assigned, did you  
16 provide that information to Linda O'Connor?

17 A I didn't know who it was at the time, but I told  
18 her a new caseworker would be contacting her.

19 Q Okay.

20 MR. LOVRIC: Those are all the questions I  
21 have, your Honor.

22 THE COURT: Okay. Mr. Fischer?

23 MR. FISCHER: Thank you, your Honor.

1 CROSS-EXAMINATION

2 BY MR. FISCHER:

3 Q Miss Panus, my name is Kelly Fischer. I represent  
4 Mr. Sacco. Do you have a file?

5 A Yes.

6 Q Do you have it with you?

7 A Yes.

8 MR. FISCHER: May I just take a moment to look  
9 at it, please?

10 THE COURT: Yes, you may.

11 MR. FISCHER: Thank you.

12 Q Did you bring with you other documents other than  
13 your file?

14 A No.

15 Q You have documents on your lap.

16 A Just my notebook. I mean, they're the same files.

17 Q Why did you bring those documents with you today?

18 A Because I had them with me.

19 Q Do they pertain to this matter?

20 A Oh, yes.

21 Q May I look at them, please?

22 A Sure.

23 MR. FISCHER: With the Court's permission.

24 A Do you want everything?

25 Q Yes, please.



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1 MR. FISCHER: Your Honor, there are a number  
2 of documents that I have not reviewed. I'd like to take a  
3 couple of minutes, if I may please, to review these before I  
4 cross-examine the witness.

5 THE COURT: Yeah, you can do that, but those  
6 are not among the documents the Court provided.

7 MR. FISCHER: I do not believe so, Judge.

8 THE COURT: Ladies and gentlemen, you want to  
9 step aside for a few minutes and we'll get this done.

10 (Jury excused)

11 (Jury present)

12 THE COURT: Okay, Mr. Fischer.

13 MR. FISCHER: May it please the Court, your  
14 Honor, counsel.

15 Your Honor, before I proceed, I'd like to  
16 offer in Exhibit S-13, Chenango Memorial Hospital records.

17 MR. LOVRIC: No objection.

18 THE COURT: All right. The Court will receive  
19 Defendant's S-13 in evidence.

20 MR. FISCHER: Thank you, your Honor.

21 BY MR. FISCHER:

22 Q Miss Panus, have you reviewed the Chenango Memorial  
23 Hospital records from March 12 of 2007?

24 A No.

25 Q The records that you brought with you here today in

1 part are your notes that you kept in the course of your  
2 duties, am I correct?

3 A Correct.

4 Q So when you had -- would have contact with in this  
5 case Shannon O'Connor, you'd make a note on the database,  
6 your computer some place?

7 A Right.

8 Q And those were chronologically arranged at some  
9 point --

10 A Yes.

11 Q -- until I looked at your records?

12 A Yes.

13 Q I'm going to go through those with you and cover  
14 them. Have you those in front of you?

15 A Yep.

16 Q Okay. I want to go to the initial call narrative,  
17 if I can. That's August 11 of 2006, correct?

18 A Yes.

19 Q With respect to the complaint, first of all, that  
20 call narrative mentions, "Source can also be reached." The  
21 source in this case is Shannon O'Connor, am I correct?

22 A No.

23 Q Who is the source?

24 MR. LOVRIC: Objection.

25 THE COURT: Basis?

1 MR. LOVRIC: Confidential source that makes a  
2 complaint to DSS. I don't think -- there has to be some  
3 basis to reveal that person.

4 THE COURT: Is that right? Is that source  
5 confidential?

6 THE WITNESS: Yes. We don't tell anyone our  
7 source at all.

8 THE COURT: Okay. Try another question.

9 MR. FISCHER: Okay.

10 BY MR. FISCHER:

11 Q The next thing you do after getting this  
12 information, this call from the source is you go through your  
13 investigative actions, correct?

14 A We go on that right there?

15 Q Yes.

16 A After I call the source, I go up to see the child.  
17 I go to interview the child.

18 Q And at some point you go back and list all the  
19 investigative actions that you've taken?

20 A Correct.

21 Q And you did that in this case?

22 A Yes.

23 Q When did you see the child?

24 A That first day, August 11.

25 Q Did you make what's called a safety assessment?

1 A Yes.

2 Q What's a safety assessment?

3 A To make sure the child is safe, assess the  
4 surroundings and environment and what's going on.

5 Q Is that a formal procedure as a Department of  
6 Social Services employee you're required to follow?

7 A Yes.

8 Q What things do you check for in making that safety  
9 assessment?

10 A If the child is safe. If it's been harmed, if the  
11 child has been harmed. What's going on in the home.

12 Q Do you have your safety assessment from 8/11/06  
13 concerning this matter?

14 A With me?

15 Q Yes.

16 A Yes.

17 Q Part of your inquiry when performing the safety  
18 assessment is to determine whether the caretaker's previously  
19 committed or allowed abuse or maltreatment of children, am I  
20 correct?

21 A Correct.

22 Q Did you undertake that inquiry here?

23 A I did that back at the office.

24 Q What did you determine?

25 A That Linda had a history of child protective

1 reports.

2 Q Did you also inquire as part of your safety  
3 assessment whether the caretaker's apparent or diagnosed  
4 mental health status affects his or her ability to supervise  
5 the children?

6 A As far as Linda's?

7 Q Yes.

8 A At that time, I don't have -- didn't have all of  
9 her records if she has any mental health issues.

10 Q As part of the safety assessment, did you undertake  
11 an inquiry in that regard?

12 A Yes.

13 Q What inquiry did you undertake at that point  
14 concerning that issue?

15 A That there was some possibilities that Linda had  
16 some mental health concerns.

17 Q As part of the safety assessment -- and I'm going  
18 to page 12 -- am I correct that it was your understanding as  
19 of August 11, 2006 that Shannon was taken to Chenango County  
20 Mental Health on two different occasions?

21 A Prior to this?

22 Q Well, I'm reading your note as to that. Am I  
23 reading that correctly that -- your August 11, 2006 note,  
24 page 12, about a third of the way down the page under  
25 Comments and just above Safety Assessment. Do you see that?

1           A     She was taken after she got out. We have seven  
2 days to do the assessment.

3           Q     As of August 11, 2006, had Shannon been taken to  
4 Chenango County Mental Health on two different occasions?

5           A     No.

6           Q     This report date is 8/11/06, am I correct?

7           A     I believe this one is the investigation,  
8 determination safety assessment.

9           Q     When was that done?

10          A     10/6/06.

11          Q     So at the top of the page, INT report date 8/11/06,  
12 that's only referencing the date of the report, the initial  
13 call?

14          A     I do believe so.

15          Q     I understand.

16          A     I do believe so.

17          Q     Would you please go to page 15 of your notes, lower  
18 third of the page, Elevated Risk Elements. Now when was that  
19 portion of your notes prepared?

20          A     I believe it's 40 days after we get the  
21 investigation.

22          Q     So, approximately mid September of 2006, mid to  
23 late September?

24          A     Correct.

25          Q     In mid to late September of 2006, was it your

1 assessment of elevated risk elements that there were no  
2 repeated incidents of sexual abuse?

3 A At that time, yes.

4 Q And also at that time it was your assessment that  
5 sexual abuse of a child and perpetrator is not likely to have  
6 current access to child, am I correct in that?

7 A Correct.

8 Q Would you go to page 14, back one page, please.  
9 That's a risk assessment profile --

10 A Yes.

11 Q -- that you prepared --

12 A Yes.

13 Q -- on or about mid September of 2006?

14 A Yes.

15 Q And that continues over onto the top of page 15?

16 A Yes.

17 Q Number 10 on the top of page 15, you made an  
18 inquiry as to whether the caretaker had a serious mental  
19 health problem, didn't you?

20 A Yes.

21 Q You made an assessment about that?

22 A Yes.

23 Q And your assessment was that?

24 A I believe there was some mental health issues;  
25 however, I don't have any documentation saying there was yet.

1           Q     It was not just your assessment that the caretaker  
2 had some mental health issues but a serious mental health  
3 problem, am I correct?

4           A     That was the only button that there are as far as  
5 mental health.

6           Q     You were following something generated by the  
7 system and you're only given certain options?

8           A     Yes.

9           Q     Let me go, if I can, to page -- it appears to be  
10 page 1, the investigation progress notes. Progress note  
11 narrative. Do you see that page?

12          A     Yes.

13          Q     Now, as I understand it, this is based in part upon  
14 what this unidentified source said, am I correct?

15          A     Correct.

16          Q     The source, whoever this person was, apparently  
17 knew Shannon O'Connor?

18          A     Correct.

19          Q     And the source made an assessment about stories  
20 that Shannon had told, am I correct?

21          A     Correct.

22          Q     And the source stated that she, Shannon, does come  
23 up with some odd stories and that they're not sure if they're  
24 true or not. Am I correct there?

25          A     Correct.



1 Q And that was the source's words as of August 11,  
2 2006, not some later date?

3 A Right.

4 Q You made a progress note narrative entry date --  
5 well, referring to page 2 of that investigation progress  
6 notes, on August 6 of 2006 -- I'm sorry. October 6,  
7 October 6 of 2006, you had a conversation with Shannon, am I  
8 correct?

9 A I do believe so.

10 Q Do you know where that was?

11 A I'd have to look at my notes and see.

12 Q If you want to take a moment to do that, please.

13 A October 6.

14 Q I'm sorry?

15 A October 6.

16 Q October 6.

17 A I don't have an October 6.

18 Q I'm looking at -- well, let me -- I'll hand you  
19 what's been marked for identification as Exhibit S-13. Those  
20 are my marked-up notes. Do you see that entry?

21 A I do.

22 Q Did you make an entry on October 6 of 2006?

23 A Yes.

24 Q And that was based upon your conversations with  
25 Shannon O'Connor?

1 A Yes.

2 Q Face-to-face conversations?

3 A Correct.

4 Q And where was that?

5 A This was at Chenango Memorial. The date is wrong  
6 on it.

7 Q What was the correct date?

8 A August 11, 2006.

9 Q So, the information reflected on this page, page 26  
10 of your investigative progress notes, in fact reflects  
11 conversations that you had with Shannon on August 11, 2006,  
12 and not October 6, 2006?

13 A Correct.

14 Q That October 6 is a mistake?

15 A Correct.

16 Q Okay. Now, as of October 11, 2006 when you spoke  
17 with Shannon at the hospital, she recounted that she was  
18 there because her mom hit her, correct?

19 A Right.

20 Q But you made an inquiry beyond that, didn't you?

21 A Yes.

22 Q You made an inquiry about whether there had been  
23 any sexual contact, didn't you?

24 A Yes.

25 Q Specifically, you discussed with Shannon -- and at

1 that point Shannon is 13 years old, 12 years old?

2 A Twelve, I think, yeah.

3 Q All right. So you discussed with her in terms that  
4 were designed to work with a 12-year-old; that's how you  
5 framed your inquiry of her concerning sexual contact, am I  
6 correct?

7 A Right.

8 Q And how did you phrase that?

9 A Talked about good touch and bad touch.

10 Q How long did you spend speaking with her about that  
11 subject?

12 A A few minutes.

13 Q Did she express to you that she understood or did  
14 not understand what you were asking her?

15 A She said she understood.

16 Q And what did she say about that?

17 A She said no, she hadn't been touched.

18 Q On August -- tell me if I'm correct about this --  
19 I'm looking at page 6 of your investigative progress notes.  
20 A face-to-face at the LDSS office. Do you see that?

21 A Yes.

22 Q Did that event, that conversation occur on  
23 August 14, 2006?

24 A Yes.

25 Q That's where Shannon said that Mr. Sacco got her

1 into the YMCA camp, am I correct?

2 A No, Linda did.

3 Q Going to August 21, 2006, page 9 over to page 10,  
4 you had a conversation on that date with the Pipers, am I  
5 correct?

6 A Correct.

7 Q Mr. Piper is Larry Piper?

8 A Correct.

9 Q You spoke with him about Shannon?

10 A About Shannon, yes.

11 Q In your direct testimony, as I understood it, you  
12 discussed the idea that the neighbors didn't know that  
13 Shannon needed such constant supervision. Do you remember  
14 saying that?

15 A Yes.

16 Q In fact, when you spoke with them, it was clear to  
17 you that they were not aware of the seriousness of Shannon's  
18 mental health issues at that point, am I correct?

19 A Correct.

20 Q What mental health issues were you referring to at  
21 that point?

22 A Basically her trying to hurt herself, her taking  
23 the pills, her cutting herself.

24 Q When Shannon went to Renee Lang's, you spoke with  
25 Renee about your concerns about Shannon's psychological

1 status, am I correct?

2 A Yes.

3 Q Shannon accessed the internet to get to porn sites  
4 at some point. When was that?

5 A When she was staying with Renee. The end of  
6 September.

7 Q And she did that from Renee's computers or Renee's  
8 daughter's computer?

9 A Renee's daughter's computer.

10 Q Where was Renee's daughter living?

11 A I don't know the address.

12 Q Do you know whether, when Shannon accessed those  
13 sites, she was with another girl?

14 A Not that I'm aware of.

15 Q Do you know whether Renee's daughter has a  
16 daughter?

17 A I don't recall.

18 Q What porn sites was she accessing?

19 A It was a triple X adult movie, men seeking men,  
20 teen pregnancy.

21 Q Adult chat rooms?

22 A And adult chats, yes.

23 Q What's a chat room?

24 A You go in there and talk with adults.

25 Q How?

1 A As --

2 Q What's your understanding of what that means?

3 A I guess it could go either way. You can talk with  
4 somebody or I would take it as -- maybe like a sexual chat  
5 room.

6 Q So you understood her to say she was accessing  
7 sexual chat rooms?

8 A Yes.

9 Q She admitted that to you finally?

10 A Correct.

11 Q Was that during the first time that you spoke with  
12 her about the issue?

13 A Yes.

14 Q How long did it take before your first inquiry  
15 about that matter and the time that she said yes, that's  
16 true?

17 A Not long.

18 Q How long is that?

19 A Total minutes, couple of minutes.

20 Q Did you inquire of her at that time about whether  
21 she had ever had sex before?

22 A Yes.

23 Q What conversation did you have with her about that  
24 at that time?

25 A I asked her if she thought she was pregnant, that's

1 why she was looking at teen pregnancy sites, and she said no,  
2 she's never had sex before.

3 Q You asked her whether she might be pregnant because  
4 she might have had sex before?

5 A Correct.

6 Q Did you -- did you specify what you meant by did  
7 she ever have sex before? Did you say, did you ever have sex  
8 with a man because that is why you might be pregnant?

9 A No.

10 Q Did you ever inquire of her whether she had any  
11 other kinds of sex at all?

12 A No.

13 Q Did you inquire of her -- and I don't mean to be  
14 crude but it's part of the case so I have to. Did you  
15 inquire of her whether she had ever masturbated?

16 A No.

17 Q She, Shannon, was -- also apparently came into  
18 contact with what you described as adult toys?

19 A Correct.

20 Q Was there information made available to you that  
21 she had in fact used that?

22 A Renee had said that she caught -- she was caught  
23 rubbing it on herself.

24 MR. FISCHER: Those are all the questions I  
25 have right now. Thank you, Judge.

1 THE COURT: Okay. Miss Peebles.

2 CROSS-EXAMINATION

3 BY MISS PEEBLES:

4 Q Miss Panus, talking about August 11, when you went  
5 to the Chenango County Memorial Hospital and you met Shannon  
6 for the first time, you had an opportunity to speak with the  
7 physician that was working on the case, is that correct?

8 A Correct.

9 Q And were you aware that Shannon's blood levels were  
10 normal?

11 A No.

12 Q Did you ever view any of the medical documentation  
13 after she had blood work done?

14 A No.

15 Q Did you know they referred to --

16 MR. LOVRIC: Objection. Unless the documents  
17 are in evidence, if they want to introduce them.

18 THE COURT: Do you have the documents?

19 MISS PEEBLES: I do.

20 THE COURT: Can you have them marked?

21 MISS PEEBLES: Sure.

22 BY MISS PEEBLES:

23 Q Miss Panus, I'm going to approach and have you look  
24 at what's been marked as Defendant's Exhibit O-17. Have you  
25 ever seen that document before?



1           A     Not that I recall.

2           Q     Now, were you aware that the physician made a note  
3 and referred to the incident as a suicidal gesture? Were you  
4 aware of that?

5           A     No.

6           Q     Now, Shannon O'Connor did not stay at the hospital  
7 for any type of physical treatment on that day, is that fair  
8 to say, after the blood work was completed?

9           A     I thought it was for both.

10          Q     You thought what was for both?

11          A     For taking the pills and also for trying to commit  
12 suicide.

13          Q     But you never talked to the physician about her  
14 blood levels and whether she actually took any pills, is that  
15 correct?

16          A     Correct.

17          Q     And she was the same day sent to a psych at -- for  
18 psychiatric evaluation in Syracuse, correct?

19          A     Right.

20          Q     Now, you learned through speaking with the  
21 physician that Shannon had told a Y counselor that she had  
22 attempted suicide on two other occasions, is that correct?

23          A     Not that I can recall.

24          Q     If I showed you the notes, would that refresh your  
25 recollection?

1 A Yes.

2 Q I'm going to hand you what's been marked as  
3 Defendant's Exhibit 18 and ask if you can identify that  
4 document?

5 A What was your question again? I'm sorry.

6 Q Can you identify that document?

7 A I've never seen this one.

8 Q Is there a notation that it was a social worker  
9 note?

10 A Correct.

11 MISS PEEBLES: Your Honor, I'd like to offer  
12 Defendant's Exhibit O-18 into evidence.

13 MR. LOVRIC: Can I see it, Judge?

14 THE COURT: Sure.

15 MR. LOVRIC: I have no idea what it is.

16 Judge, can I have a voir dire on this?

17 THE COURT: Sure.

18 VOIR DIRE

19 BY MR. LOVRIC:

20 Q Miss Panus, do you know what document this is, what  
21 record this is from?

22 A I've never seen it before today.

23 Q Is it -- I mean, is there -- there's a stamp up  
24 here, Chenango Memorial Hospital. Are these records records  
25 that are anywhere in your files?

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1           A     No.

2                   MR. LOVRIC: I would object, Judge. I don't  
3 know where this document came from. It may be admissible,  
4 but not through this witness.

5                   THE COURT: Right. There's no foundation for  
6 it.

7                   MR. FISCHER: May I see it, please?

8                   THE COURT: Sustained.

9 BY MISS PEEBLES:

10           Q     So you didn't bother to review any of the medical  
11 documentation that was prepared in connection with her trip  
12 to the Chenango County hospital on August 11, is that fair to  
13 say?

14           A     Correct.

15           Q     As far as you knew when you spoke to Shannon, that  
16 prior to August 11 she had never tried to commit suicide, is  
17 that fair to say?

18           A     Correct.

19           Q     So you wouldn't know what she told anybody else at  
20 the hospital?

21           A     Correct.

22                   THE COURT: Hold on just a minute. I have to  
23 execute a document.

24           Q     So Miss Panus, you were aware that Shannon was  
25 taken to the hospital by ambulance from the Y camp, is that

1 correct?

2 A Correct.

3 Q And that was done simply as a precautionary  
4 measure, correct?

5 A Right.

6 Q In fact, when she did that, she was not under any  
7 distress at that time?

8 A I believe she was feeling sick at that time.

9 Q Well, did Mr. Lance Thorn tell you that they called  
10 the ambulance because they were doing it for precautionary  
11 measures?

12 A I thought it was both.

13 Q Well, you were aware there were no toxic symptoms  
14 that were present, correct?

15 A Correct.

16 Q And her nutrition appeared within normal limits,  
17 correct?

18 A I would assume so.

19 Q Her affect appeared within normal limits, correct?

20 A Right.

21 Q Now, when you met with Shannon, she was mad at her  
22 mother, that was her testimony, right?

23 A Correct.

24 Q She didn't want to see her mother?

25 A Correct.

1           Q     And you had asked her -- well, through asking her  
2 questions you found out -- you asked her whether her mother  
3 was a drinker or did drugs and she told you no, correct?

4           A     Correct.

5           Q     Now, when you talked to Mrs. O'Connor about  
6 Shannon's demeanor and what she said about her, Mrs. O'Connor  
7 told you that there was a lot of stress in the house because  
8 of the puppy, is that true?

9           A     That was after the fact.

10          Q     Well, did Shannon also relate that to you as well?

11          A     I don't believe it was that day.

12          Q     But between the time she was in the psychiatric  
13 hospital and the time she returned home?

14          A     Yes.

15          Q     During that time period?

16          A     Yes.

17          Q     And at some point Shannon indicated to you it  
18 became too much because of the puppy and she couldn't deal  
19 with it, is that fair to say?

20          A     Yep.

21          Q     Now, on August 20 when were you notified when  
22 Shannon had been left home, you went to the Y camp, is that  
23 correct?

24          A     Yes.

25          Q     And you noticed that she had some scratches on her,

1 is that correct?

2 A Cut marks. Yes.

3 Q And you asked her about those cut marks?

4 A Yes.

5 Q And she told you that she had fallen in some type  
6 of brush or something of that nature, is that correct?

7 A Right.

8 Q And you didn't believe her, is that fair to say?

9 A Yes.

10 Q And the cuts weren't consistent with somebody  
11 falling in brush, fair to say?

12 A Correct.

13 Q And you knew at that point that Shannon needed a  
14 higher level of care, is that correct?

15 A Correct.

16 Q Now you met Mr. Piper, you met Mr. Larry Piper?

17 A Yes.

18 Q And he lived upstairs at 45 Fair Street?

19 A Yes.

20 Q And he was a decent guy, is that fair to say?

21 A Yes.

22 Q And in fact, Mr. Piper is the one that took Mrs.  
23 O'Connor to the hospital when she was doubled over in pain on  
24 August 20, is that correct?

25 A Yes.

1 Q And you were made aware that the transport on  
2 August 20 to the hospital was not something that had been  
3 planned, is that fair to say?

4 A Correct.

5 Q In fact, it was an emergency situation and she was  
6 transported to the hospital, is that fair?

7 A Correct.

8 Q Now, Shannon O'Connor's placed with Renee Lang  
9 during that time period. You had -- were you monitoring the  
10 situation, is that fair?

11 A Yes.

12 Q And Linda was released, Mrs. O'Connor was released  
13 from the hospital at some point after September, is that fair  
14 to say?

15 A Yes.

16 Q In fact, Mrs. O'Connor wound up having  
17 complications as a result of the kidney stones and wasn't  
18 able to come home right away, is that correct?

19 A Yes.

20 Q Once Mrs. O'Connor returned home, she wanted  
21 Shannon to come back home and stay with her, is that correct?

22 A Yes.

23 Q And she was upset that Shannon was living with  
24 Renee Lang, is that fair to say?

25 A Yes.

1 Q In fact, Renee Lang and Mrs. O'Connor weren't  
2 getting along during that time period, is that fair to say?

3 A I do believe.

4 Q And Mrs. Lang, Renee Lang was required to monitor  
5 any phone contact between Mrs. O'Connor and her daughter  
6 Shannon, is that correct?

7 A Yes.

8 Q Now, when you confronted Shannon O'Connor about  
9 viewing pornography, you were in the middle of transporting  
10 her to a home visit with her mom, is that correct?

11 A Yes.

12 Q And in fact, after you confronted her about that,  
13 well, she specifically stated she was looking at Bo Bice  
14 sites, correct?

15 A Correct.

16 Q And Walt Disney web site?

17 A Yes.

18 Q And when you insisted that you had proof that she  
19 was on these other sites, she eventually admitted it,  
20 correct?

21 A Yes.

22 Q And she begged you not to tell her mother, is that  
23 correct?

24 A Yep.

25 Q She was very upset, she was crying?



1 A Yes.

2 Q And you promised her that you wouldn't tell her  
3 mother before the visit, is that correct?

4 A Correct.

5 Q And you didn't want to spoil the visit that she was  
6 about to go on with her mother, is that correct?

7 A Correct.

8 Q And at some point after that, Mrs. Lang verbalized  
9 her displeasure with Shannon and how she was acting at her  
10 house, is that fair to say?

11 A Yes.

12 Q In fact, Renee Lang had concerns because Shannon  
13 O'Connor was hanging all over the men in her family, is that  
14 fair to say?

15 A Yes.

16 Q In fact, Renee was concerned that Shannon would  
17 falsely accuse them of doing something, is that fair to say?

18 A Yes.

19 Q At that point Shannon really wanted to return home  
20 and stay with her mother, is that correct?

21 A Yes.

22 Q Now, when Shannon returned home to live with her  
23 mother, that was on August 11 and that was after the Family  
24 Court appearance, correct?

25 A October. October 11.

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1 Q What did I say?

2 A August.

3 Q I'm sorry. October.

4 I'm going to hand you what's been marked as Defense  
5 Exhibit 19. Mrs. Panus, can you identify that document?

6 A This is from family -- the Chenango County Family  
7 Court.

8 Q Is that the order of protection that was issued?

9 A Yes.

10 MISS PEEBLES: Your Honor, at this time I'd  
11 like to offer Defendant's Exhibit O-19 into evidence.

12 MR. LOVRIC: Can I just take a look at it,  
13 Judge?

14 THE COURT: Sure.

15 MR. LOVRIC: Could I have a voir dire?

16 THE COURT: Sure.

17 VOIR DIRE

18 BY MR. LOVRIC:

19 Q Miss Panus, this order, Defense Exhibit 19, issued  
20 November 22, 2006, where it is signed, is this written order  
21 the same order that was issued by the judge in open court?

22 A Yes.

23 Q And this is dated November 22, '06, written order  
24 was dated, I take it, this date that's on it?

25 A It was for October 11.

1 Q Okay. The order that you were previously  
2 testifying about, that was the order given in court by the  
3 actual judge?

4 A Right.

5 Q On the record?

6 A Right.

7 Q This is the written order that comes later at some  
8 point?

9 A Correct.

10 MR. LOVRIC: I have no objection.

11 MR. FISCHER: May I just see the document?

12 I have no objection.

13 THE COURT: Okay. We'll receive Defendant's  
14 O-19 in evidence.

15 BY MISS PEEBLES:

16 Q So -- so this Family Court order was verbally  
17 issued on October 11 when you appeared in court, correct?

18 A Yes.

19 Q And then the judge executed the actual order itself  
20 on November 22 of '06, correct?

21 A Yes.

22 Q Now after Shannon returned home to live with her  
23 mom, they started receiving services, is that fair to say?

24 A Yes.

25 Q Now, let me take you back. When Mr. Fischer was

1 asking you questions about Mrs. O'Connor having a prior CPS  
2 history, do you remember that?

3 A M-m h-m-m.

4 Q That pertained to her son Walter Burkett Jr., is  
5 that correct?

6 A Yes.

7 Q Now, the services that they received -- Mrs.  
8 O'Connor had asked whether she could have a parent aide, is  
9 that correct?

10 A Yes.

11 Q You provided her with a parent aide, correct?

12 A Yes.

13 Q And they each began counseling during that time  
14 period?

15 A Yes.

16 Q In fact, Mrs. -- Linda was going to see a woman by  
17 the name of Miss Lydia Smith?

18 A Yes.

19 Q Shannon was seeing Lydia Smith, but she was  
20 assigned to her own counselor, is that fair to say?

21 A Yes.

22 Q Now, you made several home visits throughout this  
23 time period. You made a home visit on October 20 while  
24 Shannon was in school, correct?

25 A Yes.

1 Q And you did that in order to update and find out  
2 what was going on, is that correct?

3 A Correct.

4 Q And in order to monitor, attempt to monitor the  
5 financial or the management of the money by Mrs. O'Connor, is  
6 that fair to say?

7 A Somewhat.

8 Q You brought the parent aide over to the home on  
9 October 26, and then on that date and time Shannon was home,  
10 correct?

11 A Yes.

12 Q And Mrs. O'Connor was home?

13 A Yes.

14 Q And Shannon had an intake appointment with her  
15 counselor on October 20, and she started her counseling  
16 during that time?

17 A Yes.

18 Q And then you made a home visit on November 16, do  
19 you remember that?

20 A Yes.

21 Q And you did that because Shannon had a burn mark on  
22 her arm, is that correct?

23 A Correct.

24 Q And you went over to the home to find out or to  
25 investigate what happened, correct?

1 A Yes.

2 Q You found out she had burned her arm in a pan,  
3 correct?

4 A Yes.

5 Q And Mrs. O'Connor was chastised and told she had to  
6 be more careful in the kitchen with Shannon, is that correct?

7 A Yes.

8 Q And at that point Mrs. O'Connor mentioned perhaps  
9 buying a kitten for Shannon, correct?

10 A Yes.

11 Q You told her that would be inappropriate because  
12 you already had a dog and a turtle, is that correct?

13 A Dog and a hamster, yes.

14 Q And you basically told Mrs. O'Connor at that point  
15 that she should concentrate more on her bills and not worry  
16 about buying animals for Shannon, is that correct?

17 A Yes.

18 Q And after you went to the Broome County Department  
19 of Social Services, that wasn't the last contact you had with  
20 Shannon O'Connor, is that fair to say?

21 A I think this was.

22 Q You had absolutely no contact with Shannon O'Connor  
23 after -- after November of 2006?

24 A She sent me a message on MySpace.

25 MISS PEEBLES: No further questions. Thank

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1 you.

2 THE COURT: Mr. Lovric.

3 MR. LOVRIC: Just a couple of follow-up  
4 questions, Judge.

5 THE COURT: Okay.

6 REDIRECT EXAMINATION

7 BY MR. LOVRIC:

8 Q Miss Panus, Miss Peebles just spoke with you a few  
9 minutes ago about Lydia Smith. Who is Lydia Smith?

10 A She's a counselor with Chenango County Mental  
11 Health.

12 Q And what role did Lydia Smith have with respect to  
13 Linda O'Connor?

14 A She was Linda's counselor as well.

15 Q And did -- do you know whether Linda O'Connor -- At  
16 the time that you were the caseworker in this matter, do you  
17 know if Linda O'Connor at some point began to meet regularly  
18 with Lydia Smith?

19 A I think when I was involved there was only maybe  
20 one or two contacts that she had with Lydia.

21 Q Okay. And I'm just trying to differentiate. Lydia  
22 Smith, compared to your job as a caseworker, what's Lydia  
23 Smith's job or purpose within the DSS system?

24 A She's with mental health. It's different. She  
25 does counseling and diagnosis and stuff like that. I don't.

1 Q Okay. So she was talking with Miss Linda O'Connor  
2 or about mental health issues that Miss Linda O'Connor may  
3 have?

4 A Right.

5 Q Miss Peebles also asked you about prior CPS history  
6 that you became aware of for Linda O'Connor?

7 A Yes.

8 Q That was for Walter Burkett?

9 A Yes.

10 Q Who did you say Walter Burkett was?

11 A That's Linda O'Connor's son.

12 Q And if you know, how much age difference between  
13 Walter Burkett and Shannon?

14 A At least ten.

15 Q And did you at some point become aware of that CPS  
16 history?

17 A A little bit, yes.

18 Q And was there considerable Child Protective Service  
19 involved with Burkett?

20 MISS PEEBLES: Objection.

21 THE COURT: Basis.

22 MISS PEEBLES: Leading.

23 THE COURT: No, the question wasn't leading.  
24 Anything else?

25 MISS PEEBLES: Irrelevant.



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1 THE COURT: That's closer. What's this  
2 relevant to?

3 MR. LOVRIC: I didn't bring it up, Judge, the  
4 defense did. I'm just trying to establish what it was. Miss  
5 Peebles brought it up.

6 THE COURT: Yeah, I know, but whether she  
7 brought it up or didn't, she did -- is there anything  
8 relevant to the proof in this case?

9 MR. LOVRIC: Miss Panus asked Linda O'Connor  
10 at that point if she had prior CPS history and Linda O'Connor  
11 on two occasions, at least, denied such history.

12 THE COURT: Then it became apparent that there  
13 was a history now. Do we have to know why there was a  
14 history?

15 MR. LOVRIC: No. I was simply asking if there  
16 was considerable CPS history. I'm not going into any  
17 details.

18 THE COURT: Okay.

19 A Yes, there was a long history.

20 Q When Linda O'Connor said to you there wasn't  
21 history, I take it it wasn't like there was one minor event  
22 and then that's it, many, many years ago?

23 MISS PEEBLES: Objection.

24 THE COURT: Leading.

25 MISS PEEBLES: Leading.

Naomi Panus - Redirect

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1 THE COURT: Sustained.

2 MR. LOVRIC: I'll move on to my next topic,  
3 Judge.

4 Q Miss Peebles talked to you about what Shannon said  
5 to you when you were on your way over for a home visit and  
6 you had learned about -- from Renee about Shannon visiting  
7 the sites. Do you recall that question?

8 A Right.

9 Q And you indicated to Miss Peebles that Shannon --  
10 and you said begged you not to tell her mother. Do you  
11 recall that?

12 A Right. Yes.

13 Q And what was Shannon's appearance when she's  
14 begging you not to tell her mother about these sites that  
15 she's been on?

16 A She appeared afraid what her mom was going to do if  
17 I told her mom.

18 Q Did she seemed scared?

19 A A little bit.

20 Q Mr. Fischer asked you at the very end, close to the  
21 very end of his questions whether you were informed by Renee  
22 Lang that she caught Shannon using one of those adult toys.

23 A Correct.

24 Q Do you remember that question?

25 A Correct. Yes.

Naomi Panus - Redirect

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1           Q     What did you learn from Renee? What did she tell  
2 you Shannon had done?

3           MISS PEEBLES: Objection. Hearsay.

4           THE COURT: It is hearsay. You're right.

5           MR. LOVRIC: Judge -- Judge, the defense  
6 brought this out. I'm simply going back to something the  
7 defendant brought out.

8           MISS PEEBLES: That was not my question,  
9 Judge.

10          MR. LOVRIC: I'm responding to what Mr.  
11 Fischer raised.

12          THE COURT: I understand that, but how does it  
13 make the response not hearsay?

14          MR. LOVRIC: I think by not objecting to it  
15 when Mr. Fischer asked, then defendant O'Connor has waived  
16 that objection. I don't know how when he asked, they don't  
17 object, then I want to come back and clarify, they object. I  
18 can't talk about something they raised?

19          THE COURT: Well, when he asked the question,  
20 I don't recall you objecting to the question.

21          MR. LOVRIC: I didn't.

22          THE COURT: Are you saying now --

23          MR. LOVRIC: But neither did defendant  
24 O'Connor.

25          THE COURT: I know.

Naomi Panus - Redirect

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1 MISS PEEBLES: May I be heard?

2 THE COURT: Okay.

3 (At the Bench)

4 MISS PEEBLES: Mr. Fischer didn't ask what  
5 Renee Lang said. That's why there was no objection. He  
6 asked whether she had been caught using an adult toy. That's  
7 her firsthand observation. This witness now is asking what  
8 she said, and that's the basis of my objection, Judge. And I  
9 didn't waive anything and it's hearsay. There's no  
10 exception.

11 MR. LOVRIC: Mr. Fischer asked this witness  
12 whether this witness became aware that Renee Lang caught  
13 Shannon using a sex toy.

14 THE COURT: That's right.

15 MR. LOVRIC: The way she became aware of that  
16 is Renee Lang told her that. She wasn't there. And that was  
17 brought out. I'm simply asking to go back to discuss  
18 something that was brought out by the defendant, and I do  
19 think that if defendant O'Connor objected, because defendant  
20 O'Connor knows how this information came to Miss Panus'  
21 attention, she has to object when it's brought out by  
22 defendant Sacco. If she doesn't -- I don't see how she can  
23 now object when I want to go back and clarify and talk about  
24 what -- exactly what was said and wasn't. It was hearsay the  
25 first time it was said. I didn't have any objection. Now

1 she wants to keep that out --

2 THE COURT: I'm going to have -- I don't  
3 understand -- I understand what you're saying. Ordinarily  
4 when somebody brings something out, you're allowed to  
5 clarify. That's what -- the ordinary rule, but when it's  
6 pure hearsay, I'm not sure that applies, and I'm going to  
7 find out.

8 MR. FISCHER: Judge, we're going to face this  
9 same question then.

10 THE COURT: I'll have an answer.

11 MR. FISCHER: Okay.

12 (In open Court)

13 THE COURT: Okay. I tried to recall any rules  
14 or regulations or treatise that I've gone through in my not  
15 short life, and I find none that covers this situation. I  
16 was thinking under the rule of completeness. I was thinking  
17 about opening doors. I thought about all kind of things. I  
18 think even though that topic was brought up and referred to  
19 by Mr. Fischer, that the question you're asking for calls for  
20 hearsay. I'm not going to let you ask that question.

21 MR. FISCHER: Judge, where I intended to go  
22 with this witness raises a similar question.

23 THE COURT: You've been -- this witness,  
24 you're telling us you're going back with her?

25 MR. FISCHER: Well, based on questions Miss

Naomi Panus - Redirect

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1 Peebles asked.

2 THE COURT: Right.

3 MR. FISCHER: Renee expressed concerns  
4 regarding Shannon O'Connor making false allegations against  
5 me. I intended to follow up on her questioning, but it seems  
6 to me to be the same thing.

7 THE COURT: It may well be. If you ask it,  
8 we'll see what happens. That's the rule. I'd like to change  
9 it but I can't.

10 MR. FISCHER: Okay.

11 (In open Court)

12 (Jury present)

13 THE COURT: Okay, Mr. Lovric.

14 MR. LOVRIC: Those are all the questions I  
15 have, Judge.

16 THE COURT: All right. Mr. Fischer.

17 MR. FISCHER: Thank you, your Honor. May it  
18 please the Court, briefly.

19 RECROSS-EXAMINATION

20 BY MR. FISCHER:

21 Q I'd like to follow up on some questions that Miss  
22 Peebles asked you.

23 Would you go to page 23 of your investigation  
24 progress notes.

25 A Okay.

1 Q That discusses the time when -- when you found out  
2 that Shannon O'Connor was accessing the porn sites?

3 A Correct.

4 Q Miss Peebles inquired of you about some things that  
5 do not appear in your notes. Miss Peebles inquired of you  
6 concerning Renee expressing a concern about Shannon O'Connor  
7 making false allegations concerning men. That does not  
8 appear in your note, does it?

9 A There's another part of it where she says that in a  
10 different note that has -- that she hangs all over men in her  
11 family, she's -- they're afraid she's going to make an  
12 accusation against them.

13 Q Does it say that they're afraid that she's going to  
14 make an accusation against them? Does that say that in your  
15 note?

16 A I can look, refer to my notes and look.

17 Q Please do.

18 A It doesn't say she's afraid.

19 Q What does the note itself say?

20 A It says, she stated next she's going to say  
21 they're -- it says, she stated next she's going to say  
22 they're doing something with her.

23 Q This is Renee Lang saying that next Shannon's going  
24 to say they're doing something with her?

25 A Right.

1 Q This is a phone call with Renee Lang?

2 A Yes.

3 Q And the phone call with Renee was what date?

4 A October 6.

5 Q Subsequent to that phone call, did you have any  
6 conversations with Shannon O'Connor about that subject?

7 A Which one?

8 Q About the subject with respect to Shannon O'Connor  
9 kind of being -- hanging on men?

10 A No.

11 Q Did you discuss with Shannon anything about what  
12 Renee told you concerning the fear that Shannon would make a  
13 false accusation against the men?

14 A No.

15 MR. FISCHER: Those are all the questions. I  
16 thank you.

17 THE COURT: Miss Peebles?

18 MISS PEEBLES: Nothing further.

19 THE COURT: Mr. Lovric?

20 MR. LOVRIC: Judge.

21 REDIRECT EXAMINATION

22 BY MR. LOVRIC:

23 Q This conversation with Renee Lang, this is  
24 October 6 of 2006, about?

25 A Around there.



Naomi Panus - Redirect

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1           Q     Okay. And is this conversation around the time  
2 that Shannon was discovered to be on these sites that we've  
3 talked about?

4           A     Yes.

5           Q     And to your knowledge, did Shannon ever accuse  
6 anybody in the Renee Lang family of sexually abusing her?

7           A     Not to my knowledge.

8                     MR. LOVRIC: That's all I have.

9                     THE COURT: Anybody else?

10                    MR. FISCHER: No, your Honor.

11                    MISS PEEBLES: No, your Honor.

12                    THE COURT: Thank you, Miss Panus. You may  
13 step down, ma'am.

14                    (Witness excused)

15                    MR. LOVRIC: Next witness is Elizabeth  
16 Chesebro.

17                    THE COURT: Okay.

18                    THE CLERK: Ma'am, please state your name for  
19 the record.

20                    THE WITNESS: Elizabeth Chesebro.

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1 E L I Z A B E T H C H E S E B R O, having been called as a  
2 witness, being duly sworn, testified as follows:

3 MR. LOVRIC: May I, Judge?

4 THE COURT: Sure.

5 DIRECT EXAMINATION

6 BY MR. LOVRIC:

7 Q Good afternoon, Miss Chesebro.

8 A Good afternoon.

9 Q I'm just going to ask you to try to speak into the  
10 mike so we can all hear you.

11 A Okay.

12 Q And just for the members of the jury, could you  
13 please tell them your full name and tell them where you work.

14 A Yes. My name is Elizabeth Chesebro. I work for  
15 Chenango County Department of Social Services.

16 Q And Miss Chesebro, how long have you worked with  
17 Chenango County DSS, as I'll refer to it?

18 A Since August of 2005.

19 Q And what kind of work do you perform at Chenango  
20 County DSS?

21 A I'm a caseworker in the Child Protective and  
22 Preventive Unit.

23 Q And during the time you've been employed there,  
24 have you always had the title of caseworker?

25 A Yes.

Elizabeth Chesebro - Direct

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1 Q And what kind of training and background do you  
2 have in that area?

3 A I have a bachelor's degree from Niagara University  
4 in social work.

5 Q And during your time with Chenango County DSS have  
6 you also from time to time gone to training centers or  
7 training sessions and gone through a number of sessions where  
8 you're kind of trained to handle and deal with a variety of  
9 different kind of cases that you may encounter?

10 A Yes, I have.

11 Q Miss Chesebro, we just heard from a person by the  
12 name of Naomi Panus. Do you know Naomi?

13 A Yes, I do.

14 Q How do you know her?

15 A We both worked at Chenango County Social Services  
16 together.

17 Q Okay. And at the time that you and she worked in  
18 that office, were there other caseworkers also that worked  
19 with the two of you?

20 A Yes.

21 Q And now, you're aware that Naomi no longer works in  
22 the Chenango County DSS office?

23 A Yes.

24 Q Okay. Were you aware or did you become aware  
25 that -- at around the time that she was going to be leaving

Elizabeth Chesebro - Direct

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1 that office?

2 A Yes.

3 Q Okay. And did you become aware that she was going  
4 to a similar agency but in another county?

5 A Yes.

6 Q Now, I'd like to talk about a matter dealing with a  
7 Linda O'Connor and Shannon O'Connor in connection with  
8 Chenango County DSS. Did you at some point come to become  
9 the caseworker in that matter?

10 A Yes.

11 Q About when, approximately when was it that you  
12 became the caseworker?

13 A I was assigned during the month of November in  
14 2006.

15 Q And your assignment to that case was as a result of  
16 what happened?

17 A Naomi Panus left the agency.

18 Q Okay. Were you aware at that time she was going to  
19 work at Broome County DSS?

20 A Yes.

21 Q And prior to that time frame, that being November  
22 of 2006, had you ever prior to that had any type of  
23 interaction with Linda O'Connor or Shannon O'Connor?

24 A My only interaction, prior to becoming the  
25 caseworker, was having seen them in the office. On occasion

Elizabeth Chesebro - Direct

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1 Naomi had brought them to the office for visitation.

2 Q Okay.

3 A Other than that, I had no direct interaction with  
4 them.

5 Q Okay. So you'd kind of see them when Naomi was  
6 working on the case as a caseworker?

7 A Yes.

8 Q And when -- at the time that you became the  
9 caseworker as to this case, in whose custody was Shannon at  
10 the time that you came into the case?

11 A She was in her mother's custody.

12 Q Linda O'Connor?

13 A Yes.

14 Q Now, just for the record, do you see Linda in court  
15 today?

16 A Yes.

17 Q Can you indicate where you see her, just for the  
18 record?

19 A She's over at the table, the second person from the  
20 end.

21 Q What does she have on top, what she's wearing?

22 A I can't see her right now. A yellow top.

23 MR. LOVRIC: Just for the record, indicating  
24 defendant O'Connor.

25 THE COURT: Record will so reflect.

Elizabeth Chesebro - Direct

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1 Q Now, when you became the caseworker in this matter,  
2 was there any type of a petition pending in Family Court when  
3 you came into the case in November of 2006?

4 A There was a neglect petition pending.

5 Q Okay. And just very briefly, what does it mean  
6 when we say the petition was pending in a court, Family  
7 Court?

8 A At the time that I came on the case, it was  
9 between -- between hearings. I believe they were waiting for  
10 a fact-finding hearing to see if the allegations of neglect  
11 were true.

12 Q Okay. Now, at that point in time, November of  
13 2006, what -- what are the neglect allegations in this  
14 petition? What specifically is before the Family Court?

15 A Can I refer to a document I have?

16 Q Sure. If that will refresh your recollection.

17 A The -- what was pending at the time were concerns  
18 about Linda and how she treated her daughter in regards to  
19 yelling and hitting her on a regular basis. About Shannon's  
20 mental health and supervision issues that had arisen.

21 Q Okay.

22 A That was the basis for the neglect.

23 Q Okay. And when you came on as the caseworker  
24 towards the middle of November of 2006 and then into early  
25 December of 2006, did you or any person at DSS, to your

Elizabeth Chesebro - Direct

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1 knowledge, did you have any indication or any allegation from  
2 any source that Shannon had been sexually abused by anyone at  
3 that point in time?

4 A Not to my recollection.

5 Q Okay. And what was it that in -- in your  
6 assessment, what was it that DSS was looking to do? I'm  
7 talking about now the time frame from the time that you  
8 became the caseworker into December of '06. What is it that  
9 you as the caseworker and DSS is looking to do with respect  
10 to Linda O'Connor and Shannon O'Connor's situation?

11 A At that time our goal was to continue Shannon to be  
12 in the custody of her mother working on mental health issues  
13 for both of them, addressing budgeting concerns that we had  
14 and parenting skills.

15 Q Okay. Let's talk about budgeting concerns. What  
16 was it that you were working with Linda O'Connor with respect  
17 to budgeting?

18 A We -- we regularly developed a budget based on her  
19 income and then what she needed to spend her money on so that  
20 she could ensure her bills were paid, any debt she had, and  
21 continue to meet the needs of Shannon.

22 Q Okay. And as far as parenting skills, was there  
23 anything specific or was it just generally to work with Linda  
24 O'Connor about parenting issues?

25 A It was more of a general topic of helping her

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1 understand Shannon's needs and the difficulties that every  
2 parent has with raising a teenager. How to address those  
3 things in an appropriate manner rather than hitting, yelling,  
4 screaming, throwing things.

5 Q Okay. And I take it throughout this time frame --  
6 now we're talking about November/December -- did you have any  
7 sense of any need to explore or to discuss any sexual abuse  
8 issues?

9 A No.

10 Q So you had no reason to even think of that?

11 A At that time I didn't have any information, no.

12 Q When you first began to interact with Shannon,  
13 November and December of 2006, how would you describe her?  
14 She was how old at that time, approximately?

15 A Approximately 12.

16 Q Okay. And I believe her birthday is sometime in  
17 December?

18 A Yes.

19 Q How would you describe her? What was she like at  
20 that time?

21 A She was fairly quiet, not really offering too much  
22 information, not wanting to really engage in conversation  
23 with me or go back and forth about telling anything related  
24 to her family. Pretty closed about sharing information.

25 Q Okay. Were there times that you felt like you had



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1 to really pull things from her and kind of wrestle them out  
2 of her?

3 MISS PEEBLES: Objection. Leading.

4 MR. FISCHER: I concur with that objection,  
5 Judge.

6 THE COURT: Sustained.

7 Q All right. Why don't you describe for like when --  
8 when would you have conversation with Shannon, what was it  
9 like to get information out of her at things happening in her  
10 life or home?

11 A Often sometimes I'd have to ask very direct  
12 questions, and she really only provided information that was  
13 directly asked for.

14 Q Okay. So if you don't happen to ask a very  
15 specific direct question, you may not get a clear and candid  
16 answer from them?

17 A Correct.

18 Q What was Shannon like in those months? And I'll  
19 talk about from the time you start in November through  
20 December and even into January of '07. What was she like in  
21 terms of providing to you information about things that were  
22 going on at home, specifically in her household?

23 A I didn't have much information from Shannon at that  
24 point in time. I didn't have very detailed accounts of what  
25 things were like in her house. Whenever I did speak to her,

Elizabeth Chesebro - Direct

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1 her answers were things were good, things were fine. Very  
2 simple answers like that.

3 Q Very general answers?

4 A Yes.

5 Q Same question, different person. What was Linda  
6 O'Connor like to deal with from the time you started and into  
7 November -- excuse me -- January of '07?

8 A There were ups and downs in working with Linda.  
9 Sometimes she was very willing to provide me information and  
10 cooperate and meet with me regularly, and there were other  
11 times where she just didn't want to either answer my  
12 questions or have me involved in her life or talk to Shannon.  
13 It varied by the day, it seemed like.

14 Q The times that you spent with Linda O'Connor and  
15 Shannon O'Connor together, did you make any observations  
16 about what kind of relationship they had in how they  
17 interacted with each other? Did you make any of those  
18 observations?

19 A I don't recall observing in that time period  
20 anything unusual at that point in time.

21 Q Okay. The times that you saw them, did they get  
22 along?

23 A Yeah, they did.

24 Q Now, at some point when you became the caseworker  
25 on the case, at some point around January of 2007, did you

Elizabeth Chesebro - Direct

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1 become aware of a dog that was purchased?

2 A I wasn't aware of a dog until -- I believe it was  
3 sometime in February of '07.

4 Q Okay. How did you learn of that?

5 A Shannon shared that with me that they had purchased  
6 a dog.

7 Q Okay. Did you ever speak to Linda O'Connor about  
8 that?

9 A I did.

10 Q What did she say about purchasing that dog?

11 A She didn't deny that they had. They purchased it  
12 in Binghamton.

13 Q Okay. Did you learn at all how much she paid for  
14 that dog?

15 A Yes.

16 Q How much?

17 A Approximately \$800.

18 Q How did you learn that?

19 A I learned first from Shannon.

20 Q Did you ask Linda why or how she spent \$800 on a  
21 dog?

22 A I did. I didn't get a clear answer though.

23 Q What do you mean by that?

24 A She didn't provide me with any reason why she  
25 bought it.

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1 Q Now, when you became the caseworker in November of  
2 2006, did you familiarize yourself with the case file up  
3 until that point in time which had been tended to by Naomi  
4 Panus?

5 A Yes.

6 Q So at some point were you aware of certain events  
7 that happened on or about August 11 of 2006?

8 A Yes.

9 Q And were you also aware of events that happened  
10 thereafter on or about August 20 of '06?

11 A Yes.

12 Q And would you also be aware then of matters  
13 occurring while Shannon lived with Renee Lang?

14 A Yes.

15 Q And did you at some point become aware of Shannon  
16 cutting herself?

17 A Yes.

18 Q And did you actually see some of the results of  
19 those cuttings?

20 A No, I did not.

21 Q What I mean, on her body, Shannon's body. At any  
22 point did you see any of those?

23 A She had shown me some very faint scars that she had  
24 well after the fact but not any time around the time that she  
25 did that.

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1 Q Okay. Now, at some point after becoming the  
2 caseworker, were you aware of a court order issued by a  
3 Family Court judge regarding Shannon and Mr. Dean Sacco?

4 A Yes.

5 Q Now, have you ever met Dean Sacco?

6 A No.

7 Q You wouldn't know him if you ran into him?

8 A The only reason I'd know him is from the media that  
9 I'd seen.

10 Q We're not going to talk about the media in court.  
11 In your professional dealings with Linda O'Connor and  
12 Shannon, you never met Mr. Sacco?

13 A No.

14 Q Now, Miss Chesebro, in December of 2006, while you  
15 were the caseworker for Linda O'Connor and Shannon O'Connor,  
16 were you aware of a person named Lydia Smith?

17 A Yes.

18 Q Okay. Who is Lydia Smith?

19 A She was Linda's mental health counselor.

20 Q What does that mean?

21 A She was the person that had been assigned to work  
22 on various issues through the Chenango County Mental Health  
23 Clinic.

24 Q Okay. What agency does Lydia Smith work for?

25 A Chenango County Mental Health Clinic.

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1 Q How are they different, if at all, or related to  
2 the Department of Social Services, if at all?

3 A They're two separate entities. Both are in the  
4 same building, but they function completely separate from one  
5 another.

6 Q If you can, I'm just trying to figure out -- are  
7 they separate county agencies?

8 A Yes.

9 Q Okay. And what -- what's the purpose for Mental  
10 Health Services versus Department of Social Services?

11 A The Department of Social Services and Children  
12 Welfare and Children Services, we work with the -- the whole  
13 family on whatever issues the family may have that need to be  
14 changed. Whereas Mental Health, they work primarily with one  
15 individual and assess their needs and find services to suit  
16 their needs.

17 Q Okay. And so Lydia Smith was working with Linda  
18 O'Connor?

19 A Yes.

20 Q Was she at any point working with -- also with  
21 Shannon O'Connor?

22 A Yes, she was.

23 Q Did that continue throughout or did that change?

24 A No. That changed.

25 Q Okay. When you say change, how did it change?

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1           A     Shannon was assigned a different counselor. So  
2 they had two separate people to work with.

3           Q     Do you recall about how -- just very approximately,  
4 when that occurred?

5           A     I don't recall. I believe it was either towards  
6 the end of Naomi's involvement with the family, at the very  
7 beginning of my involvement. Sometime in that time frame.

8           Q     Okay. And then I take it then -- who was it that  
9 kept Lydia Smith as their mental health worker?

10          A     Linda did.

11          Q     And Shannon received assignment of a new mental  
12 health person?

13          A     Yep.

14          Q     Now, in December of 2006, Miss Chesebro, did the  
15 Department of Social Services receive a telephone call on or  
16 about December 6, 2006 from a person by the name of Dean  
17 Sacco?

18          A     Yes.

19          Q     How did you become aware of that phone call?

20          A     The worker that received the call came to me and  
21 just recorded to me Mr. Sacco's concerns about the family.

22          Q     And who was that worker?

23          A     The worker at the time was Jennifer Anderson.

24          Q     Where in the Department of Social Services did  
25 Jennifer Anderson work?

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1 A She worked in the employment unit.

2 Q What is the employment unit?

3 A The employment unit at that time encompassed anyone  
4 that was applying for public assistance that was unemployed  
5 at the time. They did various work force activities to find  
6 these people jobs or do continued education. They also cover  
7 the grantee cases, meaning public assistance for children.

8 Q Okay. Jennifer Anderson made you aware of this  
9 call from Mr. Sacco?

10 A Yes.

11 Q And did you then make any notations in your file or  
12 your files?

13 A Yes, I did.

14 Q And what notations did you make in your file?

15 A I put in my case note a record of what Jennifer had  
16 told me.

17 Q What was it that you wrote down in your case file?

18 A I'd like to refer to my case notes.

19 Q Sure.

20 A Jennifer reported to me that Mr. Sacco had  
21 concern --

22 MR. FISCHER: I'm going to object at this  
23 point. If it's based on what somebody else -- Mr. Sacco said  
24 to somebody who said to this witness, I object on the hearsay  
25 basis. Pretty clear.



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1                   MISS PEEBLES: Judge, can we have a side-bar  
2 on this?

3                   THE COURT: Yeah, I guess so.

4                   (At the Bench)

5                   MR. FISCHER: I'll withdraw my objection.

6                   THE COURT: Thank you very much.

7                   (In open Court)

8                   THE COURT: Okay, Mr. Lovric.

9 BY MR. LOVRIC:

10           Q     Miss Chesebro, could you tell us what it was that  
11 you recorded in your progress notes in relation to this  
12 December 6, 2006 phone call?

13           A     I reported to what Jennifer had told me that Mr.  
14 Sacco reported Linda hadn't paid her rent for November or  
15 December. Linda had reported to Mr. Sacco that the county  
16 was vendoring her payment, which Jennifer told me was not the  
17 case. The county was not responsible for sending the checks  
18 directly to him. And she just wanted me to be aware that  
19 that was -- that was the case.

20           Q     Jennifer Anderson wanted to make you aware?

21           A     Yes.

22           Q     I take it she was able to somehow find out who the  
23 caseworker was to relay this information to you?

24           A     Yes.

25           Q     And at that point in time, December 6 of 2006, was

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1 Linda O'Connor, was she receiving any kind of subsidy for  
2 housing from Norwich Housing Authority at that point in time?

3 A Not to my knowledge.

4 Q Okay. And did you at some point then on  
5 December 19 of 2006 have a conversation with Misty Davis?

6 A Yes, I did.

7 Q And Misty Davis is who?

8 A At the time she was the supervisor of the  
9 employment unit.

10 Q Same unit as Jennifer Anderson was working in?

11 A Yes.

12 Q And did Misty Davis convey information to you  
13 regarding a phone call from Mr. Dean Sacco?

14 A Yes.

15 Q And what -- did you then record that in your  
16 progress notes in the report you filled out?

17 A Yes, I did.

18 Q And what information did you record in your  
19 progress notes?

20 A Mr. Sacco had relayed to her if the rent wasn't  
21 paid immediately, he would be evicting Linda and Shannon, and  
22 she, Misty Davis, told me what assistance Linda was  
23 receiving, so that I was aware of her income.

24 Q Okay. So, you then became aware of what Linda  
25 O'Connor was getting from any assistance and what she wasn't?

Elizabeth Chesebro - Direct

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1 A Yes.

2 Q And did you at that point know that she wasn't  
3 getting any kind of housing assistance, money for housing?

4 A Not through the county.

5 Q Okay. Now, at some point after the December 19,  
6 2006 phone call by Mr. Sacco to DSS, did you have a  
7 conversation with Linda O'Connor about these calls from Mr.  
8 Sacco regarding rent and eviction and that sort of topic?

9 A Yes, I did.

10 Q I'm sorry?

11 A Yes, I did.

12 Q And what was Linda O'Connor's response?

13 A She was shocked. She said she wasn't aware that  
14 there was the possibility of eviction and that her landlord  
15 knew that she was trying to work with HUD and he was willing  
16 to work with her and HUD as well.

17 Q And did you at some point have any subsequent  
18 conversations about -- with Linda O'Connor about whether or  
19 not this had become ironed out or not?

20 A I received a call sometime after that and she said  
21 she had spoken with her landlord, everything was fine. He  
22 was going to work with her and HUD.

23 Q Okay. And from that point on, did you -- did you  
24 have any other either direct or indirect complaints regarding  
25 the rent and Linda O'Connor and Mr. Sacco from that point on?

Elizabeth Chesebro - Direct

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1 A No.

2 Q Now, at any point in time in December, when Mr.  
3 Sacco calls DSS on these two occasions, at any point in time  
4 did Linda O'Connor show you any kind of rent receipt or any  
5 kind of receipt about paying rent or anything like that?

6 A No, she did not.

7 Q Did you ask for any kind of proof like that?

8 A I don't believe I did at that time.

9 Q Okay. The case that you're working at that time,  
10 December of 2006, is it still under this neglect petition as  
11 you described?

12 A Yes.

13 Q And it's still just pending in the Family Court?

14 A Yes.

15 Q Did you at any point in December of 2006 become  
16 aware of Linda O'Connor being unable to pay and unable to  
17 have money in the bank account to cover checks that she was  
18 issuing?

19 A I know that that was an ongoing issue. I don't  
20 know if it was during December of '07 that I became aware of  
21 that, though.

22 Q December of '07 or '06?

23 A '06, I'm sorry.

24 Q Okay. But you were aware of it in general terms,  
25 generally speaking?

Elizabeth Chesebro - Direct

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1 A Yes.

2 Q Now, in January of 2007, do you recall an event --  
3 or let me ask you: Do you know of an event where Shannon ran  
4 away to the Parmalee house?

5 A Yes, I do.

6 Q What was that all about?

7 A My understanding, that there had been an argument  
8 between Linda and Shannon. Shannon was afraid her mom was  
9 going to hit her and she took off.

10 Q By took off, she went where?

11 A She went to a friend's house in the same town.

12 Q Okay. And the last name of the friend's house?

13 A Parmalee.

14 Q Okay. And was this friend of hers a friend from  
15 around the neighborhood or a friend from school?

16 A From school.

17 Q And how long was she missing at this friend's  
18 house, about?

19 A I would say at the most, an hour or two.

20 Q Okay. So, authorities quickly figured out where  
21 she was and went to get her?

22 A The authorities received a call from the Parmalee  
23 residence that she was there and she had run away from home.

24 Q Okay. After that event, in January, did you have  
25 any conversations with Linda O'Connor about what is going on?

Elizabeth Chesebro - Direct

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1 A In general, yeah, I did.

2 Q Okay.

3 A Conversations about how her and Shannon were  
4 getting along, and reports were that things were fine, that  
5 they were doing well.

6 Q That's the feedback you were getting?

7 A Yes.

8 Q Was Shannon difficult to get information out of at  
9 this point?

10 A Not -- not difficult. I mean, she agreed to meet  
11 with me, but she gave very simple answers, very basic, yes,  
12 no, things are fine, things are good. No specific instances  
13 of problems.

14 Q Okay. Directing your attention now to February 26  
15 of '07. Did you become involved in an event that  
16 precipitated from something that happened at Pizza Hut?

17 A Yes, I did.

18 Q How did you learn of that?

19 A I received a child protective report about the  
20 incident on the 25th.

21 Q Okay. So, the event occurred on February 25 but  
22 you became involved on February 26?

23 A Yes.

24 Q And who did you first speak to -- Let me with  
25 withdraw that. Did you -- did you interview Linda O'Connor

Elizabeth Chesebro - Direct

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1 on February 26 about this thing that happened at Pizza Hut?

2 A Yes, I did.

3 Q And where was this interview conducted?

4 A At her home.

5 Q And what did Linda O'Connor tell you happened?

6 A That they hadn't had any food in the residence for  
7 quite some time and that as a means to feed her daughter that  
8 they had gone to Pizza Hut, eaten and walked out without  
9 paying.

10 Q Did Linda O'Connor tell you how long it had been  
11 that they were out of food at the house?

12 A It was approximately a week, I believe, that they  
13 had very minimal food and were eating things like pickles,  
14 oatmeal packets, things of that sort.

15 Q And -- and did you talk to Linda O'Connor whether  
16 or not this was the first time that this happened at Pizza  
17 Hut?

18 A Yes, I did.

19 Q And what did she say?

20 A That that was actually the third time that they had  
21 left Pizza Hut without paying.

22 Q And did you discuss -- Let me ask you: Did you  
23 also interview Shannon O'Connor on February 26?

24 A Yes.

25 Q Where was that interview conducted?

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1 A I interviewed her at Perry Brown School.

2 Q At Perry Brown?

3 A Perry Brown.

4 Q Okay. Now Perry Brown School is located where?

5 A In Norwich.

6 Q And at the time where was Shannon going to school?

7 A At Perry Brown.

8 Q So that's the name of the school in Norwich?

9 A Yes.

10 Q And when you interviewed Shannon, describe  
11 Shannon's demeanor when you're speaking to her.

12 A I recall when she came in the room, she was very  
13 distant. Sullen. Didn't make eye contact. Gave very brief  
14 answers. But she seemed to warm up pretty quickly and was  
15 very open with me about what had gone on. Her feelings about  
16 being involved with stealing with her mom. Her worries about  
17 herself being arrested for that. And by the end of the  
18 conversation, she was very open with me. Making good eye  
19 contact.

20 Q Did Shannon O'Connor confirm the lack of food  
21 present at the house?

22 A Yes, she did.

23 Q In fact, did you note or was there discussed how  
24 much weight Shannon had lost?

25 A Yes. She reported she lost five pounds during the



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1 February break.

2 Q And was there discussion about the availability or  
3 lack of availability of money to buy simple things like food?

4 A Yes.

5 Q Did you discuss that with Linda O'Connor?

6 A Yes, I did.

7 Q And what was Linda O'Connor's response?

8 A She wasn't willing to give me much of an answer of  
9 why she didn't have money for food. I, based on my interview  
10 with Shannon, actually brought it to Linda's attention. I  
11 thought it was because of the purchase of a dog. And she  
12 kind of skirted around the subject.

13 Q When you say she, you're referring to who?

14 A She, Linda.

15 Q Did Shannon on February 26 confirm any of the  
16 things that Linda O'Connor had told you regarding not paying  
17 for things and walking out?

18 A Yes, she did.

19 Q And at that point in time, February 26, 2007, were  
20 you able to make any assessment as to what was going on as  
21 far as Linda O'Connor providing or not providing for Shannon  
22 O'Connor and her physical well-being?

23 A Yes. At that point, based on the information I  
24 had, it didn't appear that Linda was able to meet Shannon's  
25 needs at that specific time.

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1 Q Now, what happened to Shannon as a result of this  
2 event on February 25 of 2007? And I apologize, I might have  
3 said '06 before. Any time I'm referring to February 25 or  
4 26, I'm meaning to reference 2007. What happened to Shannon?

5 A She was placed in foster care that day.

6 Q Okay. That day being what day?

7 A February 26 of 2007.

8 Q And that was foster care by what mechanism?

9 A Linda had signed a consent for her placement in  
10 foster care.

11 Q How did that happen?

12 A I was at the home talking to Linda about the  
13 report, having left Wal-Mart. This was after interviewing  
14 Shannon. And I -- I explained to her at that time I didn't  
15 feel that Shannon was safe in her care and that she couldn't  
16 meet Shannon's needs and asked that she sign the consent.

17 Q You mentioned Wal-Mart. You mean Wal-Mart or Pizza  
18 Hut?

19 A I'm sorry. I didn't mean to say Wal-Mart. I meant  
20 to say Pizza Hut.

21 Q I heard Wal-Mart. I just want to make sure if  
22 you're referring to Wal-Mart or Pizza Hut.

23 A No, I was referring to Pizza Hut.

24 Q With that, Shannon then goes into foster care?

25 A Yes.

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1 Q And was she in fact placed into a foster care  
2 family?

3 A Yes, she was.

4 Q And that was on the 26th of February?

5 A Yes.

6 Q From that point on, had Shannon ever gone back into  
7 the custody of Linda O'Connor from that point on?

8 A No, she has not.

9 Q Up until the present time?

10 A Correct.

11 Q And to your knowledge, was that the first and only  
12 time that Shannon has been taken out -- out of Linda  
13 O'Connor's custody and never returned to her custody?

14 A That would be the first time she was never  
15 returned, yes.

16 Q So what, we're talking about now approximately over  
17 a year?

18 A Yes.

19 Q The foster family that Shannon went to, I don't  
20 want to -- I'm not going to mention the name or names, but  
21 I'd like to just talk about the general status of her life in  
22 this family. The family that she was placed with, any other  
23 children in that family?

24 A Yes, there are many children in that family.

25 Q About how many?

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1           A     I believe there were seven total, including  
2 Shannon.

3           Q     Okay. And was it a mother and a father foster  
4 parents?

5           A     Yes.

6           Q     And I take it you've been to see and observe  
7 Shannon in that foster care family a number of times?

8           A     Yes.

9           Q     How would you describe that foster care family?

10          A     They are very busy. They keep the kids all  
11 involved with various community activities. They have a  
12 large extended family so they're always coming and going and  
13 having family members at their house for various activities.  
14 Very busy family.

15          Q     And when Shannon was first placed into that family,  
16 can you describe -- describe Shannon?

17          A     She was a changed child. She was very outgoing and  
18 bubbly and smiling all the time. Just very happy. Very  
19 typical of what you would expect of a 13-year-old being just  
20 very focused on school and friends and going to the movies,  
21 typical teenage activities.

22          Q     While she was in this foster care family, where was  
23 she going to school at the time when she went into foster  
24 care?

25          A     She remained in the Norwich district.

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1 Q Okay. And how -- how would she get from the foster  
2 care family to the school in Norwich?

3 A She took the bus.

4 Q Okay. Very early on, when she first was placed,  
5 and by that I mean February 26 or 27, was she taking the bus?

6 A I believe right from the first day she took the  
7 bus. I don't recall ever transporting her when she was first  
8 placed in foster care, no.

9 Q Okay. Now, I'd like to direct your attention, Miss  
10 Chesebro, to March 2, 2007. Did you receive a phone call on  
11 that date?

12 A My supervisor received a phone call.

13 Q Okay. And then did you at some point become aware  
14 of the substance of that phone call?

15 A Yes, I did.

16 Q And what was it that DSS received a call about?

17 A A call was received from the school stating Shannon  
18 had gone to a teacher and said she had been sexually abused  
19 by the landlord of her mother's residence.

20 Q And was that the first time that you or to your  
21 knowledge any DSS worker was advised that Shannon had made  
22 this disclosure?

23 A Yes.

24 Q And what did you do as a result of receiving or --  
25 receiving that information from that phone call? What did

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1 you do as a result?

2 A I went to the foster family's home and interviewed  
3 her.

4 Q And was this during the school day or after school  
5 or how -- what time, I guess?

6 A The call was received at the very end of the school  
7 day. Shannon was actually on her way home from school at  
8 that point, so I went up to the foster home in the evening.

9 Q Okay. Did you then have a conversation and a  
10 discussion and did you interview Shannon?

11 A Yes, I did.

12 Q And this occurred at the foster care family's home?

13 A Yes.

14 Q Were you and she alone or were there other members  
15 around?

16 A No. We spoke in private.

17 Q Okay. And can you describe Shannon's demeanor and  
18 appearance when you first began to talk to her about this  
19 disclosure?

20 A She was very shaken. She appeared embarrassed to  
21 be talking about a very private subject. She didn't make  
22 good eye contact with me. Her voice was very low. She  
23 didn't seem like the child I had seen recently that just  
24 wanted to tell me all about everything and with such  
25 exuberance. She was very unique about it.

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1 Q Did she have a difficult time telling you all the  
2 details?

3 A Yes.

4 Q About how long would you say you and she spoke and  
5 talked about -- about what had happened to her?

6 A I would say approximately an hour to an hour and a  
7 half.

8 Q And during the course of that conversation, did  
9 Shannon disclose to you what had been done to her?

10 A Yes, she did.

11 Q And during that conversation, who was it that she  
12 was talking about that had done things to her?

13 A The landlord of her mom's residence, Dean Sacco.

14 Q Now, did she refer to him by name?

15 A She calls him Dean.

16 Q Okay. And during that conversation did she  
17 describe a number of events to you?

18 A Yes, she did.

19 Q And during that conversation, on March 2, did she  
20 ever disclose anything at all about any type of sexual abuse  
21 by Linda O'Connor?

22 A No, she did not.

23 Q And during the conversation at the foster care  
24 family's home, did you at that point in time tell her that  
25 you would need to notify the authorities?

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1 A Yes, I did.

2 Q And what was her reaction to that?

3 A She seemed to accept it. I think she understood  
4 that it was -- the things we were talking about were very  
5 serious and needed to be addressed.

6 Q Now, did you -- did you know what it was that  
7 caused Shannon to say something to a teacher at school?

8 A Yes.

9 Q What was it?

10 A They had been talking about puberty in science  
11 class and the -- in the discussions, some kids asked  
12 questions about just various sexual activities, and after the  
13 class Shannon went to the teacher in private and asked if  
14 it's -- if it's wrong if one person never says no.

15 Q I take it that led to the teacher then asking a few  
16 questions of Shannon?

17 A I assume so, yes.

18 Q That's how the call came in to DSS?

19 A Yes.

20 Q Now, as a result of speaking with Shannon, when did  
21 you notify any law enforcement authorities?

22 A I contacted my supervisor after interviewing  
23 Shannon to discuss how to proceed, and she actually made the  
24 arrangements with the Norwich Police for Shannon to be  
25 brought down that same night to talk to the detective.



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1 Q Okay. Did you accompany her?

2 A Yes, I did.

3 Q Okay. And where did you and Shannon go?

4 A We went from the foster home down to the center of  
5 town where the Norwich police station is.

6 Q And did you at some point meet a Detective Patrick  
7 Blenis?

8 A Yes, I did.

9 Q Did you know Detective Blenis prior to this event?

10 A Yes, I did.

11 Q From around the area as a police officer?

12 A Just from my professional capacity, having worked  
13 at DSS.

14 Q Okay. From time to time police become involved in  
15 your line of work?

16 A Yes.

17 Q And did -- and who was present when you went and  
18 met with Detective Blenis?

19 A Just Detective Blenis, myself and Shannon.

20 Q And were you present when Detective Blenis  
21 interviewed Shannon?

22 A Yes, I was.

23 Q And did Shannon go on at that interview with  
24 Detective Blenis and you to describe the same things that she  
25 had told you about back at the foster care home?

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1 A Yes, she did.

2 Q And did Shannon then go on to describe things that  
3 were done to her by Dean Sacco?

4 A Yes, she did.

5 Q During that interview with Detective Blenis did  
6 Shannon ever disclose anything about sexual abuse of herself  
7 by anyone other than Dean Sacco?

8 A No, she did not.

9 Q Approximately about how long would you say you and  
10 Shannon spent at Detective Blenis' office?

11 A We were --

12 Q Just an approximation.

13 A We were there for quite some time. I'd say at  
14 least two hours.

15 Q Okay. And did -- where did -- where did Shannon go  
16 after this interview with Detective Blenis?

17 A I took her back to the foster home.

18 Q Okay. Was the -- what was the plan in terms of  
19 Shannon, where she was going to remain after this disclosure  
20 that she had made?

21 A The plan was that she remain at her foster home.

22 Q Okay. Do you know whether or not the foster  
23 family, the parents, not necessarily the other children but  
24 the parents, were they made aware of what transpired?

25 A The foster mother was. I'm not aware if she shared

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1 that with the foster father or not.

2 Q Who informed her as to what Shannon had disclosed?

3 A Prior to my going to talk to my supervisor that  
4 night, after interviewing Shannon, I asked Shannon if I could  
5 have the foster mom come in and sit with her while I talked  
6 to her supervisor on the phone and asked if it would be okay  
7 with Shannon if I shared what we had been talking about with  
8 the foster mom. We brought the foster mom into the room and  
9 I shared the concerns, just general overview of what Shannon  
10 had shared with me to the foster mom, and then she sat with  
11 Shannon while I spoke with my supervisor.

12 Q I take it you wanted in some way to make the foster  
13 parents aware of the disclosure Shannon made as to what had  
14 happened to her?

15 A Yes.

16 Q Just so they were aware of it?

17 A Yes.

18 Q Now, following the interview on March 2 by  
19 Detective Blenis, did you at some point then look to arrange  
20 to make an appointment for a physical examination of Shannon?

21 A Yes, I did.

22 Q Now, Miss Chesebro, on March 8 of 2007, did you  
23 have a conversation with Lydia Smith?

24 A Yes, I did.

25 Q And Lydia Smith is the same Lydia Smith that we

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1 talked about earlier?

2 A Yes, sir.

3 Q And what I'd like to do at this point is, I'd like  
4 to show you what's marked as Government's Exhibit Number 104.  
5 I'm going to mark it as Government's 104, Government Exhibit.

6 MISS PEEBLES: No objection.

7 BY MR. LOVRIC:

8 Q I'd like to show you Exhibit 104, Miss Chesebro.  
9 Take a look at that and just generally tell us, what is  
10 Exhibit 104?

11 A It's a copy of my case notes. A partial copy of my  
12 case notes.

13 Q Okay. It's a two-page document?

14 A Yes, it is.

15 Q And at the very bottom of that document, then,  
16 going to the very top of the second page, is there a progress  
17 note in connection with your conversation with Lydia Smith on  
18 March 8 of 2007?

19 A Yes, there is.

20 Q And does that progress note in that two-page  
21 document memorialize a conversation and information that you  
22 recorded based upon this conversation with Lydia Smith?

23 A Yes, it does.

24 MR. LOVRIC: I would offer Government Exhibit  
25 104.

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1 MISS PEEBLES: No objection.

2 MR. FISCHER: May I have just one moment to  
3 look at it in my binders, Judge?

4 THE COURT: Sure.

5 MR. FISCHER: I have no objection.

6 THE COURT: All right. Receive Government's  
7 104 in evidence.

8 BY MR. LOVRIC:

9 Q Next, I'd like to show you, Miss Chesebro,  
10 Government Exhibit Number 14 for identification.

11 MR. FISCHER: Just a moment, Judge?

12 THE COURT: Yes, you may.

13 Q If I can show you Exhibit Number 14, Miss Chesebro.  
14 If you just take a look at that. And does Exhibit 14 reflect  
15 progress notes of yours regarding those two phone calls on  
16 December 6 and December 19 by Dean Sacco to DSS?

17 A Yes, it does.

18 MR. LOVRIC: At this time, your Honor, I would  
19 offer into evidence Exhibit Number 14 and Exhibit 104.

20 MISS PEEBLES: No objection.

21 MR. FISCHER: No objection.

22 THE COURT: I already received 104, but we'll  
23 receive Government's 14.

24 BY MR. LOVRIC:

25 Q Miss Chesebro, if you could look at Exhibit Number

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1 104. And if you could read the progress note notations that  
2 you made in connection with this conversation with Lydia  
3 Smith?

4 A Would you like it read directly from here?

5 Q Yes, please.

6 A PC.

7 Q If I can just preface, if there's like a letter,  
8 can you tell us what the letter means, since you wrote it.  
9 Like PC, what does that mean?

10 A That means phone call. "Phone call from Lydia  
11 Smith, CCMH," which stands for Chenango County Mental Health.  
12 "She is aware of Shannon's sexual abuse disclosure. I  
13 reiterated to her that this has not yet been discussed with  
14 Linda and don't wish for it to be addressed in the counseling  
15 session yet. I told Lydia that I will make her aware once it  
16 is addressed with Linda. Linda will be seen next Tuesday at  
17 4 PM. At the last session she came in crying and wanting to  
18 address all of the issues, but Lydia believed this will take  
19 a significant amount of time since her history is so  
20 extensive. Based on her conversation with Reverend Myrick,  
21 Lydia is concerned that Linda may have prostituted Shannon as  
22 an exchange for the rent. We will be in contact as needed."  
23 End of note.

24 Q Okay. Now, this notation, these are your  
25 notations?

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1 A Yes.

2 Q And the person you're speaking to is Lydia Smith?

3 A Yes.

4 Q Who is Linda O'Connor's mental health counselor?

5 A Yes.

6 Q And Lydia Smith is telling you this information  
7 about something about a conversation with Pastor Myrick and  
8 then Lydia suspecting that Miss O'Connor may have prostituted  
9 Shannon out?

10 A Yes.

11 Q So this is Lydia telling you this?

12 A Yes, it is.

13 Q This is not writing this about what you suspect?

14 A Correct.

15 Q Did Lydia Smith ever elaborate on what made her  
16 tell you this or what made her believe what she was telling  
17 you?

18 A No.

19 Q Did she go on and tell you anything about Pastor  
20 Myrick?

21 A No.

22 Q Did you know who Pastor Myrick was?

23 A I did, yes.

24 Q Okay. Did you know at the time?

25 A Yes, I did.

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1 Q Okay. Who was Pastor Myrick?

2 A I became aware of her because Linda and Shannon had  
3 referenced her before. She was a pastor from the old church  
4 they attended.

5 Q In what area?

6 A In the Deposit area, I believe.

7 Q Okay. And beyond that, did you know what it was  
8 that Lydia was basing this information or this impression  
9 that she's conveying to you?

10 A No.

11 Q Now, during the conversation with Lydia Smith, you  
12 indicated to her that -- and this conversation is on March 8?

13 A Yes.

14 Q And you indicated to her that you did not want  
15 Lydia to yet inform Linda O'Connor about Shannon's  
16 disclosures?

17 A Yes.

18 Q And why is that? Why are you asking Lydia not to  
19 reveal that?

20 A Because there was an ongoing law enforcement  
21 investigation.

22 Q Okay. Were you aware that law enforcement was  
23 going to be looking to pursue and try to gain information  
24 about things that Mr. Sacco was being accused by Shannon of  
25 doing?



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1 A Yes.

2 Q And did you at that point in time, that being  
3 March 8 of 2007, did you at that point in time yet reveal  
4 anything to Linda O'Connor about the criminal investigation  
5 being conducted by Detective Blenis?

6 A No.

7 Q What I'd like to do next is show you Government's  
8 Exhibit Number 104 -- excuse me, 105.

9 MR. FISCHER: Just one moment, Judge, please.

10 THE COURT: Sure.

11 MR. FISCHER: Thank you.

12 BY MR. LOVRIC:

13 Q Miss Chesebro, I'd like to show you Exhibit Number  
14 105. Do you recognize what that is?

15 A Yes, I do.

16 Q What is that?

17 A It is a couple of case notes that I had written.

18 Q Okay. And on that form, are they referred to as  
19 progress notes?

20 A Yes, they are.

21 Q And does the -- the specific item, one page of 105,  
22 does it relate to an entry by you of March 5, 2007?

23 A Yes, it does.

24 Q Is there an entry on there regarding an event on  
25 March 5 of 2007 at about 2:31 PM?

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1 A Yes, there is.

2 Q And did you make that entry?

3 A Yes.

4 MR. LOVRIC: I would offer Exhibit 105 into  
5 evidence.

6 MR. FISCHER: No objection.

7 MISS PEEBLES: No objection.

8 THE COURT: Receive Government's 105 in  
9 evidence.

10 Q And can you read that entry at 2:31 PM?

11 A "PC," phone call. "From Sheila Narr, Perry Brown.  
12 She left a message that Shannon is with her and has questions  
13 she'd like to discuss." End of note.

14 Q Okay. And how was it that you were able to  
15 indicate specifically 2:31 PM?

16 A When we receive voice messages on our office  
17 phones, they give the date and time that the call was  
18 received.

19 Q Okay. So you got that right from your machine that  
20 the message was left on?

21 A Yes.

22 Q And Perry Brown again is the school where Shannon  
23 was attending?

24 A Yes.

25 Q And the teacher, this is a teacher that identified

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1 herself as making a phone call?

2 A Sheila Narr is a counselor at the school.

3 Q At that very school?

4 A Yes.

5 Q In that message she said Shannon is with her and  
6 they have some questions for you?

7 A Yes.

8 Q Okay. You can put that down. Then I won't have  
9 you read it, Miss Chesebro. Exhibit 14, I think I asked you  
10 before. Does that have the -- your notes about those calls  
11 that Jennifer Anderson and Misty Davis received from Mr.  
12 Sacco?

13 A Yes, it does.

14 Q Okay. Now, Miss Chesebro, did you -- on or about  
15 March 12 of 2007, did you accompany Shannon to a physical  
16 examination?

17 A Yes, I did.

18 Q And how was that examination arranged? How did  
19 that happen?

20 A I made the arrangements by calling Chenango  
21 Memorial Hospital. That's where Dr. Waters, our area's only  
22 certified physician to do sex abuse exams, is located, and I  
23 made the arrangements for a time that he would be available  
24 to do the exam.

25 Q Okay. You said he's the only certified what, to

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1 conduct what kind of exam?

2 A A sex abuse examination.

3 Q So you made this call ahead of time to arrange to  
4 have an examination done?

5 A Yes.

6 Q Why was it that you were taking Shannon to have  
7 this physical examination done?

8 A It's pretty typical in cases where we have had a  
9 child allege them being sexually abused with penetration that  
10 we have a sexual abuse exam done to look to see if the hymen  
11 is still intact for a female child, to screen for diseases,  
12 and in Shannon's case, for pregnancy as well.

13 Q At that point in time I take it, based on what  
14 Shannon had said to you, you had some reason to believe that  
15 she had been sexually penetrated?

16 A Yes.

17 Q Was that from your conversations with her?

18 A Yes.

19 Q And that examination, was it in fact conducted by  
20 Dr. Waters?

21 A Yes, it was.

22 Q Did you ever become aware of the results of his  
23 examination or not?

24 A Yes, I did.

25 Q How did you become aware of them?

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1           A     I took Shannon from the exam and received paperwork  
2 when it was completed for my case file.

3           Q     Did you actually get a copy of the report, the  
4 medical report that was completed by hospital personnel, some  
5 of which Dr. Waters completed?

6           A     Yes.

7                     MR. LOVRIC: I'll continue, Judge. I don't  
8 have the exhibit with me that I need.

9           Q     Miss Chesebro, at some point around March 12,  
10 March 13 of 2007, did you -- did you have a conversation with  
11 Linda O'Connor about whether or not she had allowed Mr. Sacco  
12 to have access to Shannon unsupervised?

13          A     I don't recall. But I'd like to look at my case  
14 notes.

15          Q     Sure.

16          A     What time frame was that you were asking for?

17          Q     Approximately in the middle of March of 2007.

18          A     Not to my knowledge.

19          Q     Okay. Do you recall an event on March 13 of 2007  
20 in Family Court?

21          A     Yes, I do.

22          Q     What transpired there on that date?

23          A     There was a Family Court appearance for the  
24 original neglect that had been filed by Naomi Panus. And it  
25 was also the initial appearance -- I filed an amended neglect

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1 petition based on the information I got interviewing Shannon  
2 and Linda in February. So this was the appearance for that.  
3 Shannon was ordered to remain in foster care at that time.

4 Q By the Family Court judge?

5 A By the Family Court judge, yes.

6 Q Did the Family Court judge place any term limit up  
7 until when it was she was going to remain in foster care, at  
8 least at that time?

9 A Until October of 2007.

10 Q And were -- at that point in time, Shannon was  
11 still in the foster care family that you described?

12 A Yes.

13 Q Okay. So she was going to at least continue  
14 through October of 2007?

15 A Yes.

16 Q And what was Shannon's reaction to that?

17 A She was very excited to hear that. I would say she  
18 had a sense of relief that she was going to remain where she  
19 was.

20 Q And did you at that point -- at some point soon  
21 after March 13 or even on March 13 did you have a  
22 conversation with Linda O'Connor where she expressed some  
23 concerns about her financial situation based upon the judge's  
24 order?

25 A I do recall she was concerned that without Shannon

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1 in the home, she would lose housing assistance and her  
2 grantee case, which would be the public assistance for having  
3 a child.

4 Q Okay. So, Linda O'Connor was saying what to you,  
5 what would happen?

6 A That without that, she wouldn't have a place to  
7 live.

8 Q Okay. Did she mention she would get less money  
9 because Shannon's no longer with her?

10 A Yes.

11 Q Did Linda express to you, Linda O'Connor, on  
12 March 13, Linda express to you any feelings about what she  
13 thought about the judge's order to order Shannon continued in  
14 foster care through October of '07?

15 A Not that I recall.

16 Q Did she say anything about it?

17 A Not that I recall, other than without Shannon she  
18 would lose some of her income.

19 Q Did Linda O'Connor express any anger to you or  
20 dissatisfaction with the judge's order?

21 A Not that I recall.

22 Q Now that court proceeding was March 13 of '07?

23 A Yes.

24 Q Now, do you recall going to the Norwich Police  
25 Department on March 14 of 2007?

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1 A Yes, I do.

2 Q And what was your understanding of going to the  
3 Norwich PD on that date, March 14?

4 A That Shannon would be making a controlled phone  
5 call to Dean Sacco.

6 Q Okay. When you say controlled phone call, what do  
7 you mean by that?

8 A My understanding was, there was a device to be used  
9 which would be recorded -- we'd record both Shannon and  
10 Dean's end of the conversation.

11 Q And were you present on March 14 during the entire  
12 time that Shannon was at the police station?

13 A Yes.

14 Q And do you recall whether phone calls were actually  
15 placed to Dean Sacco --

16 A Yes.

17 Q -- while you were there?

18 A Yes, there were.

19 Q And were you able to hear what Shannon was saying  
20 to Dean on the telephone?

21 A Yes.

22 Q Now, during the time that these calls were made on  
23 March 14, were there also things that you or some other  
24 person like Detective Blenis would write down for Shannon to  
25 say to Dean Sacco?



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1 A Yes.

2 Q And was this something that was discussed before  
3 the calls were actually placed to Dean Sacco?

4 A Yes.

5 Q Okay. To your recollection, who was it that kind  
6 of explained to Shannon what it was that was going to be  
7 happening and what -- what you wanted her to do when she  
8 spoke to Dean Sacco on the telephone?

9 A It was Detective Blenis and Assistant Chief  
10 VanMiles that were explaining to her the purpose and how she  
11 would go about conducting the phone calls.

12 Q Okay. And I take it then a number of calls were  
13 made on March 14?

14 A Yes.

15 Q Now, were you aware that the first, very first call  
16 made to Dean Sacco, that the device didn't record that? Were  
17 you aware or not aware of that?

18 A Not at the time, but I learned about it at the  
19 completion of our time at the police station that day.

20 Q Okay. So it's not something Detective Blenis  
21 shared with you after the very time it occurred?

22 A No.

23 Q Do you recall more than one call being placed to  
24 Dean Sacco?

25 A Yes, I do.

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1           Q     Without getting into who said what, the topics  
2 discussed during the phone calls to Dean Sacco, were they the  
3 same kind of topics during the first and second call or were  
4 they different topics?

5           A     It was the same general topic.

6           Q     Okay. Do you recall some of the topics that were  
7 discussed by Shannon and Dean Sacco?

8                   MR. FISCHER: Your Honor, at this point I do  
9 have an objection because I can't cross it, and I have an  
10 objection on that basis.

11                   THE COURT: It seems to me we heard some  
12 telephone calls, did we not?

13                   MR. FISCHER: I'm sorry?

14                   THE COURT: Did we not hear telephone calls?

15                   MR. FISCHER: I think, as I understand the  
16 question, it's concerning telephone calls we did not hear.

17                   THE COURT: I'm sorry. I may have  
18 misunderstood.

19                   Yeah, first and second call. We didn't hear  
20 the first call. You're right, Mr. Fischer. It wasn't  
21 recorded. So I'll sustain the objection.

22 BY MR. LOVRIC:

23           Q     I guess my question, Miss Chesebro, not what is the  
24 substance of the calls but the topics discussed. Were they  
25 the same or different topics?

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1 MR. FISCHER: Asked and answered. The exact  
2 same question was answered two questions ago.

3 MR. LOVRIC: If I asked it, I don't remember.  
4 Maybe I'm getting a little punchy up here. I'm trying to  
5 determine if they were the same or different. If I asked  
6 it --

7 THE COURT: I think you asked that question  
8 and she said they were the same.

9 MR. LOVRIC: Okay. I'm sorry. I'll move on.

10 THE COURT: But that's up to the jury to  
11 recall.

12 BY MR. LOVRIC:

13 Q Miss Chesebro, in December -- Excuse me. In March  
14 of 2007, while Shannon -- and let me talk about March, middle  
15 of March and then to the end of March of 2007. While Shannon  
16 is in foster care, does DSS have a mechanism by which Shannon  
17 and Linda O'Connor are communicating and seeing or talking to  
18 each other?

19 A They're having supervised visits at that point.

20 Q And what does that mean?

21 A That meant a DSS staff member was always present  
22 for their visits to monitor what was going on.

23 Q Where were those supervised visits taking place?

24 A To my recollection, during March the visits were at  
25 Linda's home.

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1 Q Okay. Forty-five Fair Street?

2 A Yes.

3 Q Okay. And were the -- were the communications  
4 between Shannon and Linda O'Connor always supervised visits  
5 or did it change depending on the time frame of this case?

6 A Any face-to-face contacts were supervised. There  
7 were unsupervised telephone calls at one point.

8 Q Okay. And -- and were there any issues or  
9 problems, to your knowledge, with respect to communications  
10 between Linda O'Connor and Shannon in terms of the type of  
11 information that was flowing back and forth?

12 A Yes.

13 Q What was that?

14 A There were concerns about topics being discussed  
15 that DSS -- we didn't feel appropriate for Shannon to be  
16 talking about with her mom. Concerns about Linda's health,  
17 what she was eating, taking medications. There was a period  
18 when she was asked to sneak phone calls at a point when they  
19 were being supervised.

20 Q Okay. Did you have any conversations with Linda  
21 O'Connor about -- Linda O'Connor about these concerns and  
22 issues?

23 A Yes.

24 Q What did you say to her and what did she say to  
25 you?

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1           A     She had already signed visitation rules outlining  
2 what was expected of her during visits and what was and  
3 wasn't to occur during visits, so that was readdressed, that  
4 she already signed and agreed to these rules. She was asked,  
5 you know, if clarification was needed or if she was able to  
6 abide by them.

7           Q     And what was Linda O'Connor's response?

8           A     That she was able to abide by them.

9           Q     Okay. And what was the purpose for DSS in  
10 requiring that Linda O'Connor not discuss certain types of  
11 things with Shannon O'Connor?

12          A     The purpose was mainly that Shannon didn't have  
13 information about adult topics that she didn't need to have  
14 information about. That had been an ongoing concern, that  
15 Shannon was aware of way too many adult things that normal  
16 13-year-olds shouldn't have access to and wanted to limit  
17 that as much as possible so she was only getting knowledge  
18 about things that were appropriate for someone her age.

19               Was there a second part to that question that I  
20 forgot to answer?

21          Q     No.

22          A     Okay.

23          Q     Now, at this point in time -- and by this point in  
24 time I mean towards the end of March 2007 and early April of  
25 2007 -- has Shannon disclosed any type of sexual abuse of her

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1 by either Linda O'Connor or anyone other than Dean Sacco?

2 A No.

3 Q At that point in time, again, March and April of  
4 2007, what is the -- if I can call it -- what is the  
5 long-term goal of the Department of Social Services as it  
6 relates to Linda O'Connor and Shannon O'Connor and their  
7 family situation?

8 A The goal was to reunite parent and child.

9 Q By doing what?

10 A Providing whatever services were necessary to have  
11 the child go back in her home.

12 Q Okay. Did you at that point in time or did DSS at  
13 that point in time envision or plan that Shannon would go to  
14 foster care forever and ever?

15 A No.

16 Q Were there things that you and other members of the  
17 Department of Social Services were involved in in trying to  
18 give Linda O'Connor tools to help reunite her and Shannon as  
19 a family?

20 A Yes.

21 Q What kind of things were being offered to Linda  
22 O'Connor in order to try to meet these goals?

23 A She was encouraged to participate in her mental  
24 health counseling and be as open and honest as possible. She  
25 was provided a parent aide, which was a woman who was

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1 available to her at a minimum of once a week. They were to  
2 talk about different parenting issues, how to manage her  
3 household. Learning to -- learning to address her anger in a  
4 healthy way so it didn't come out against her daughter. The  
5 department provided transportation to casework activities.  
6 But getting assistance. Department of Social Services can  
7 encompass basically whatever their family needs.

8 Q And during -- during this time frame now, into  
9 April of '07 and continuing into the summer of 2007, does --  
10 does Shannon have any information, to your knowledge, about  
11 this long-term goal to reunite her with her mother?

12 A Yes, she's aware that was the goal.

13 Q How is she aware about that?

14 A Through conversations with me about what the plan  
15 was.

16 Q And during -- during this time frame, I'll put it  
17 at 2007, summer, does Shannon, to your knowledge, express any  
18 desires or wants to be reunited with her mother?

19 A There was a brief period where she was interested  
20 in that, but the majority of the time she expressed wanting  
21 to stay in foster care.

22 Q Okay. And did she from time to time nevertheless  
23 ask about her mother?

24 A Yeah.

25 Q Now, at some point in the summer of 2007 -- and I

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1 take it Shannon remained in foster care through the summer of  
2 2007?

3 A Yes.

4 Q Same family we talked about?

5 A Same family.

6 Q And at some point during that summer time frame did  
7 Linda O'Connor actually go to jail, spent some time in the  
8 county jail?

9 A Yes, she did.

10 Q Were you aware of the reason for that or not?

11 A Yes.

12 Q What did it relate to?

13 A The incident having walked out of Pizza Hut without  
14 paying, as well as having broken the Family Court order  
15 stating that Shannon couldn't be unsupervised with Dean  
16 Sacco.

17 Q Okay. And did Linda ever say to you or express to  
18 you anything regarding why she allowed Shannon to be with Mr.  
19 Sacco alone?

20 A Nothing in particular other than that she trusted  
21 him and didn't think that the court order needed to be  
22 followed because she knew Dean.

23 Q Okay. When Linda O'Connor was in the county jail,  
24 did DSS still allow and facilitate contact between Shannon  
25 and Linda O'Connor?



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1 A Yes.

2 Q How was that brought about?

3 A There were several phone calls on a speaker phone  
4 at Shannon's end so I was monitoring the phone calls, and  
5 they also exchanged letters back and forth. Shannon would  
6 give me her letter I would forward on to Linda. Linda's  
7 letter would be sent to me, read to make sure they were  
8 appropriate, and then I would forward them on to Shannon.

9 Q When you say appropriate, what do you mean by that?

10 A What I was looking for at that point, that she was  
11 asking Shannon about her activities, about how her summer was  
12 going, things she was involved in. Keeping any casework kind  
13 of information out of it so that they were just -- just  
14 writing letters back and forth that were keeping each other  
15 updated on their lives without being too filled with adult  
16 information.

17 Q Okay. Prior to Linda O'Connor going to the county  
18 jail, how would you describe the interaction and relationship  
19 between you and Linda O'Connor?

20 A We saw one another regularly, whether at the  
21 office, sometimes in public locations, being that it's a  
22 small area, and sometimes at her home. Sometimes she was  
23 very cooperative and willing to talk with me and sit down and  
24 discuss various issues, and sometimes she just didn't wish to  
25 do that.

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1 Q Okay. Did you and Linda O'Connor ever have heated  
2 exchanges?

3 A There were times, yes.

4 Q How would you characterize those? Besides heated.  
5 I'm sorry. I guess I meant to have you describe it, not use  
6 my word heated, but I can't think of a better way to at least  
7 ask you.

8 A A lot of times the conversations revolved around  
9 Linda not taking responsibility for something and being  
10 focused merely on herself. She'd become enraged, you know,  
11 yelling. Oftentimes conversations were ended where she was  
12 told we'd talk when she was calm again.

13 Q Okay. Did Shannon at any point, while in foster  
14 care, did she at any point disclose or reveal to you alcohol  
15 use?

16 A Yes.

17 Q About when would you say was the first time she  
18 disclosed that she had been given alcohol? By that, I mean  
19 just approximately.

20 A It was at some point after she was placed in foster  
21 care.

22 Q Okay. And did she describe specific events or  
23 specific time frames when she would be given alcohol?

24 A Yes.

25 Q Was this alcohol that she retrieved on her own or

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1 was this alcohol that was given to her?

2 A It was provided to her.

3 Q And who did she say provided alcohol to her?

4 A Her mother Linda as well as George Lang. There was  
5 also an occasion where alcohol was provided by Dean Sacco. I  
6 don't know who actually handed her the alcohol, but she did  
7 say he had purchased it and brought it to the residence.

8 Q Now, prior to Shannon advising you of that, did you  
9 have any information about alcohol being given to her?

10 A No.

11 Q Did you -- did you at any point discuss that with  
12 Linda O'Connor?

13 A After I was aware of the fact based on what Shannon  
14 had told me, yes.

15 Q What was Linda O'Connor's reaction?

16 A That Shannon may have had some alcoholic drinks  
17 before but that she had served herself. Just taken it from  
18 the fridge or wherever it was located.

19 Q Did Linda O'Connor in any way express to you  
20 surprise that Shannon had taken or been drinking alcohol?

21 A Not that I recall.

22 THE COURT: All right. I think this is a good  
23 time to break. There's probably still more direct  
24 examination and there's going to be cross-examination. We'll  
25 be here quite late. So we're going to break until 10 in the

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1 morning. I have a 9:30 proceeding.

2 Let me remind you not to discuss the case  
3 among yourselves with anybody else or permit anyone to  
4 discuss it with you. And once again, please ignore anything  
5 that might be in the media, and don't do any research on your  
6 own.

7 Have a nice evening.

8 (Jury excused)

9 (Court stands adjourned)

C E R T I F I C A T I O N

I, VICKY A. THELEMAN, RPR, CRR, United States Court Reporter in and for the United States District Court, Northern District of New York, do hereby certify that I attended at the time and place set forth in the heading hereof; that I did make a stenographic record of the proceedings had in this matter and cause the same to be transcribed; that the foregoing is a true and correct copy of the same and the whole thereof.

---

VICKY A. THELEMAN, RPR, CRR  
United States Court Reporter  
US District Court - NDNY

Dated: August 15, 2008.